

Practice Standards and Guidelines for Adoption



**Ministry for Children and Families
Adoption Branch**

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A Message from the Director of Child Protection and the Director of Adoption

We are pleased to introduce *Practice Standards and Guidelines for Adoption*. The standards in this document are well-researched and represent best practice in providing adoption services to children and youth in care, birth parents, prospective adoptive parents, adoptive parents and adopted adults.

The standards establish the required level of practice for those persons who are delegated to carry out duties and functions related to the provision of adoption services in British Columbia. The guidelines, which accompany these standards, set out recommended practice to assist in meeting the requirements of the practice standards.

Practice Standards and Guidelines for Adoption forms an integral part of British Columbia's service delivery model for providing adoption services, which is intended to ensure consistent and high-quality services.

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Appendix

Introduction

This document presents the practice standards that direct adoption practice in British Columbia. Its purpose is to give adoption workers a clear picture of what is expected of them, along with recommended procedures to meet these expectations.

The practice standards are accompanied by guidelines that set out recommended practice for meeting the practice standards. The practice standards and guidelines are presented within the context of an integrated service delivery and case management approach.

What are Practice Standards?

Practice standards are statements that describe a required level of performance. The practice standards in this document state what children and youth in care, birth parents, prospective adoptive parents, adoptive parents, adopted adults, workers delegated to provide adoption services and the public can expect of adoption practice in British Columbia.

These standards have been developed in accordance with statutory provisions in the *Adoption Act, 1996* and represent existing practice expectations as set out in the *Act* and the *Adoption Regulation*. In addition, these standards meet or exceed national and international adoption standards.

Why Practice Standards?

The primary purpose of adoption practice standards is to ensure that, in all aspects of adoption practice, paramount consideration is given to the best interests of the child.

These practice standards are also intended:

- to ensure that adoption practice in British Columbia is equal to or exceeds Canadian national standards
- to provide those persons with delegated adoption responsibilities with clear statements of the required standard of practice in providing adoption services and placing a child for adoption
- to ensure that children, birth parents, guardians, prospective adoptive parents, adoptive parents and adopted adults receive services of the highest possible quality, and
- to promote the best possible outcome for children involved in the adoption process.

What are Guidelines?

The practice guidelines accompanying each standard provide recommended procedures for meeting the requirements of the practice standards. They guide or suggest action or a sequence of actions to complete a task.

Who Is Required to Follow These Practices Standards?

Adoption practice standards are mandatory for ministry adoption workers providing the adoption services described within the standards.

Depending on the service delivery model of the region, guardianship/family service workers may be involved in providing services described under the following practice standards, in which case the requirements of these practice standards are mandatory for these workers:

- Practice Standard 12: Planning and Completing Openness Agreements for a Child in Continuing Custody

- Practice Standard 15: Initiating the Exchange of Information Through the Openness Exchange Registry
- All applicable practice standards in Chapter 3: Adoption Planning for the Child: Pre-placement and Placement
- Practice Standard 39: Required Consents (for the consent of a child in care 12 years of age or over)
- Practice Standard 40: Taking Consent to Adoption
- Practice Standard 42: Revocation of Consents
- Practice Standard 55: Post-placement Responsibilities of the Child's Pre-placement Worker to a Child in Continuing Custody
- Practice Standard 60: Preparing the Report on a Younger Child's Views
- Practice Standard 65: Pre-placement and Placement Responsibilities when Placing a B.C. Child in Care in Another Province

Adoption Practice

Adoption is a lifelong experience that affects adopted children and adults, and birth and adoptive families. It is both a legal and a social process. The purpose of adoption is to provide every child legally available for adoption with the stability and security of new and permanent family ties, giving paramount consideration in every respect to the child's best interests.

At the heart of adoption is trust that the worker providing adoption services will act in the child's best interests, for the child's benefit, and with the child's safety and well being as paramount considerations. In a legal context, providing children with new and permanent family ties creates an obligation or duty to identify what is in the child's best interests, and to place the child's needs and best interests ahead of the needs and interests of others.

The following values guide adoption practice for children who are legally available for adoption:

- Children require permanence, and the earlier this occurs, the more beneficial it is for them.
- Every child needs a permanent legal family; therefore adoption must be thoroughly considered for every child as a permanency option.
- All types of families and parent compositions should be actively explored as potential adoptive placements.
- Children, birth parents, prospective adoptive parents and caregivers should be provided with an understanding of the lifelong implications of adoption and with complete information to assist them in making informed decisions.
- Openness in adoption enables members of the adoption circle to maintain family and cultural connections and relationships and assists the child in developing a strong, healthy identity.

Adoption practice standards provide direction to workers providing adoption services who must be delegated by the Director of Adoption under section 77 of the *Adoption Act*

Workers planning adoption provide guardianship services for children who are in the care, custody or guardianship of the Director of Adoption under section 23 or 24 of the *Adoption Act* Depending on the service delivery model of the region, workers also assume guardianship responsibilities when planning adoption for children in the continuing custody of a director under the *CFCSA* or under guardianship of a director pursuant to section 29 of the *Family Relations Act* Therefore, the worker providing adoption services also derives legislative authority from the *CFCSA* and the requirements for guardianship practice from the Practice Standards for Guardianship where applicable.

Special Considerations in Adoption Practice

Best interests of the child

When considering the best interests of a child in adoption planning and decisions, "best interests" include the relevant factors as defined in the *CFCSA*. They also include an additional consideration required under the *Adoption Act*: the importance to the child's development of having a positive relationship with a parent and a secure place as a member of a family.

The significance of adoption

The social and legal significance of adoption in the lives of the people affected by it is reflected in a number of special considerations:

- Adoption has a unique, lifelong impact on those involved. Members of the adoption circle (birth parents, adoptive parents, adopted children and adults, extended families and other important people in the child's life) may require adoption-sensitive services and supports at various stages throughout their lives.
- Family relationships created for children through adoption involve the same level of commitment, ownership, responsibility and rights as exist in biological family relationships.
- When a permanent placement plan for a child is being considered, special attention should be given to exploring a placement with the child's family wherever possible.
- An adoption completed under the law of another province or jurisdiction outside Canada that has the same effect as an order under the *B.C. Adoption Act* will be recognized as having the same effect as an adoption in B.C.

The rights of children in care

All children in care are entitled to the services and protections afforded by the *CFCSA* and, in particular, enjoy the "Rights of Children in Care" as set out in section 70 of that *Act*. A "child in care" includes a child in the custody, care or guardianship of the Director of Child Protection or the Director of Adoption, and a child under the guardianship of a director pursuant to section 29 of the *Family Relations Act*.

Special Aboriginal considerations

- Aboriginal children, families and communities have particular needs in preserving their cultural heritage including but not limited to legal rights and benefits recognized by the Constitution of Canada
- Aboriginal communities have a special role in planning for their children.
- Involving Aboriginal families and community in the planning and delivery of services to Aboriginal children in care and their families is in the best interests of the child, and mandated in legislation
- Services to ensure that the cultural identity of Aboriginal children in care is preserved are provided within the context of the importance to the child of having a permanent life plan.
- Aboriginal communities are diverse, and children and families will have different cultural needs based on their affiliation or membership with one of a number of these communities.
- Aboriginal people in British Columbia have a special historical interest in adoption because of the loss of cultural identity that has historically resulted from adoption.
- In no way does the adoption of an Aboriginal child limit or add to any existing Aboriginal rights that a person may have.

Intercountry adoptions

- The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (The Hague Convention) has the force of law in British Columbia and guides adoption practice for children who are involved in intercountry adoption.
- When working with countries in which the Convention is not in force, the principles and practices outlined in the Hague Convention are honoured and followed wherever possible.

Interprovincial adoptions

- Practice in interprovincial adoption is guided by section 48 of the *Adoption Act* and the *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories (March 2001)*.

Using this Document

Practice Standards

Each chapter describes a major component of adoption practice and presents the mandatory practice standards that direct practice.

Each practice standard states the practice required of the adoption worker providing the service described. The standards that apply to an adoption worker in a particular situation will vary depending upon the nature of the adoption services being provided and the type of adoption.

Commentary

The commentary following each standard explains the importance of the standard and the legislative provisions that govern the actions required in the standard.

Guidelines

The practice guidelines accompanying each standard provide recommended procedures for meeting the requirements of the practice standards. They guide or suggest action or a sequence of actions to complete a task.

Terms used in this document

Most terms used in the document are defined in the chapter or specific practice standard in which they are used. Unless otherwise noted, the meaning of a term is as defined in the *Adoption Act* or *Adoption Regulation*.

Because the following terms are used throughout the document, their definitions are included here:

Child in continuing custody

Unless otherwise specified, a "child in continuing custody" includes a child in the continuing custody of a director under the *Child Family and Community Services Act (CFCSA)* and a child under the guardianship of a director pursuant to section 29 of the *Family Relations Act*.

Provincial child welfare authority

Unless otherwise specified, references to a provincial child welfare authority includes Canadian territorial child welfare agencies.

Structured Family Assessment

The structured family assessment is a component of the homestudy process and is carried out in order to determine the prospective adoptive parent(s)' ability to provide for the physical and emotional needs of a child.

The structured family assessment is a process that includes:

- gathering documentation on the prospective adoptive parent(s), including background checks, physician's reports and personal references, and
- conducting personal, private interviews with all members of the prospective adoptive family:
 - to ensure the prospective adoptive parent(s) understand the lifelong implications of adoption for themselves, any children in the home, the child to be adopted and the child's birth family, and
 - to assess the relationships and dynamics of the prospective adoptive family and their capacity to understand and meet the needs of a child, both at the time of placement and beyond.

Homestudy

The *Adoption Regulation* uses the term "homestudy" to refer to two separate but equally important activities used to assess whether prospective adoptive parent(s) can be approved for an adoption:

- an education component to help prospective adoptive parent(s) become knowledgeable about adoption and its lifelong impact, and
- the structured family assessment described above

The term "written family assessment" refers to the summary document prepared at the conclusion of the homestudy, which covers the two components of the homestudy and includes a recommendation on whether to approve the prospective adoptive parent(s) for an adoption placement.

Related Documents

For more information, refer to the following documents:

- *Administrative Procedures and Guidelines for Adoption Services (to be published Spring 2001)*
- *Adoption Act, Adoption Regulation and Adoption Agency Regulations*
- *Adoption Education Program: A Curriculum for Prospective Adoptive Parents*
- *Becoming an Adoptive Family in British Columbia: A Self-directed Guide*
- *Child, Family and Community Service Act and Regulations*
- *Child, Family and Community Service Act policy manuals, volumes 2 and 2A*
- *Family Relations Act*
- *A Guide for Daily Living: Parenting Children Affected by Fetal Alcohol Syndrome*
- *Practice Standards for Guardianship*
- *Provincial/Territorial Protocol on Children and Young Adults Moving Between Provinces/Territories*
- *Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention)*
- *Freedom of Information and Protection of Privacy Act*
- *Nisga'a Final Agreement*

Aboriginal child and family service agencies also refer to *Aboriginal Operational and Practice Standards and Indicators*.

CHAPTER 1:

General Roles and Duties of Adoption Workers

The standards in this chapter describe the general responsibilities and duties of the worker providing adoption services. These overarching standards apply to all types of adoption and throughout all stages of the adoption process.

PRACTICE STANDARD 1

Acting in the Child's Best Interests

When carrying out your responsibilities as a worker providing adoption services, you must give paramount consideration in every respect to the child's best interests as defined in section 3 of the *Adoption Act*

To ensure that the child's best interests are considered in an unbiased and independent manner, a worker other than the worker providing services to the prospective adoptive parent(s) must provide adoption services to the child and/or birth parent(s), unless the regional manager responsible for adoption grants an exception to this practice.

Commentary

This standard reflects the fiduciary obligation, or trust, the Director of Adoption holds in relation to a child for whom adoption is the plan. This obligation requires that as a worker providing adoption services you place the child's best interests ahead of the interests of all other persons involved with the child, and that you use your discretionary authority solely for the benefit of the child.

Guidelines

Determining the child's best interests

All relevant factors must be considered in determining the child's best interests. These include, but are not limited to:

- the child's safety
- the child's physical and emotional needs and level of development
- the importance of continuity in the child's care
- the importance to the child's development of having a positive relationship with a parent and a secure place as a member of a family
- the quality of the child's relationship with a birth parent or other individual and the effect of maintaining that relationship
- the child's cultural, racial, linguistic and religious heritage
- the child's views
- the effect on the child if there is a delay in making a decision

For an Aboriginal child, the importance of preserving the child's cultural identity must also be considered in determining his or her best interests.

Providing services to both the prospective adoptive parent(s) and the child

Preferred practice is for the child to have a worker other than the worker providing services to the prospective adoptive parent(s). An exception may be requested when:

- completing the homestudy process for caregivers or prospective adoptive parent(s) who have applied for a specific child when the suitability of the plan is not in question (refer to Practice Standard 45), or
- it is determined to be in the best interests of the child

PRACTICE STANDARD 2

Consulting with the Child and Considering the Child's Views

You must consult with the child, actively seek the child's views according to his or her capabilities, and take the child's views into consideration at certain key stages of the adoption process, including but not limited to:

- when developing or reviewing the child's comprehensive plan of care
- when developing a permanency plan for the child, including adoption placement options
- when a decision is made to implement an adoption plan
- when determining whether to involve an Aboriginal child's Band or Aboriginal community
- when a decision to separate siblings is being considered
- when a family is proposed and during the pre-placement visits
- when considering openness agreements
- when considering terminating or continuing access orders or agreements
- when planning pre-placement visits and at the conclusion of pre-placement visits when determining whether the placement should proceed
- at the time the child 12 years of age or over is consenting to the adoption and a possible name change
- during the post-placement period while the child is living with the prospective adoptive parent(s), and
- at the conclusion of the post-placement period when a decision is being made whether or not to complete the adoption.

In addition, when completing an adoption for a child who is at least 7 and less than 12 years of age, you must ensure that a report on the child's views is prepared and included as part of the documentation for the court.

Commentary

Adoption Act
s. 3(1)(g)

CFCSA
s. 4(1)(f)

Adoption Act
s. 6(1)(e)

This standard reflects the entitlement of children, under the *Adoption Act* and the *CFCSA* to have their views heard and considered. To the extent possible, given their age and capability, children have a central and active role in adoption planning decisions that affect them.

In addition, the *Adoption Act* requires that a child, if sufficiently mature, be counselled about the meaning and effects of adoption, and that a child 12 years of age and older be informed about his or her right to consent to the adoption.

Guidelines

Consulting with the child and considering the child's views includes:

- seeing and speaking with the child face to face and privately on a regular basis and maintaining an open relationship based on trust, understanding and mutual respect
- counselling the child about the meaning and effects of adoption
- providing the child with opportunities to fully express his or her views at all key stages of the adoption process
- providing the child with an interpreter, if language or disability is a communication barrier
- consulting with a person who knows the child well and can interpret the child's communication if a child is unable to express his or her views because of communication difficulties, cultural differences or other reasons, and
- taking the child's views into consideration in a meaningful way in determining the child's best interests and needs, and in arriving at significant decisions affecting the child.

For more information on when to obtain the child's views at the key stages of adoption:

- refer to the relevant standard, and
- see Practice Standard 60 when preparing a report for a child who is at least 7 years of age and less than 12.

PRACTICE STANDARD 3

Promoting a Climate of Understanding, Mutual Respect and Cultural Sensitivity

When providing adoption services, you must conduct your duties with understanding and respect for the cultural, racial and religious heritage, place of origin, age and sexual orientation of the child, the birth parent(s), the prospective adoptive parent(s) and the adoptive parent(s).

Commentary

CFCSA
s. 3(c);
s. 70(1)(i)(j)(k)

This standard reflects service delivery principles and the rights of children in care as set out in the *CFCSA*. It also embraces principles of equality, understanding and mutual respect as represented in the *Human Rights Code of British Columbia* and the *Canadian Charter of Rights and Freedoms*.

Guidelines

Promoting a climate of understanding, mutual respect and cultural sensitivity includes:

- being respectful of the child's, birth parent(s)', prospective adoptive parent(s)' and adoptive parent(s)' cultural heritage, racial ancestry and identity, spiritual or religious faith, place of origin, age and sexual orientation
- involving the child's family, including the extended family, whenever possible, in planning for the child (for information on involving the birth family of a child in the continuing custody of a director under the *CFCSA* refer to Practice Standard 16)
- ensuring that planning for the child is provided in a way that is sensitive to the needs and the cultural, racial and religious heritage of the child and the child's family
- using the services of a language and/or cultural interpreter to assist in planning, assessment and service delivery, when necessary and appropriate
- involving the child's cultural or ethnic community, whenever possible, in the planning and delivery of adoption services and other services for the child
- ensuring that the child receives the best possible care according to community standards and at the same level as other children within the adoptive family, and
- ensuring that the child's caregiver(s) or prospective adoptive parent(s) are committed to helping the child understand, develop and maintain his or her cultural identity, heritage or connection to the cultural community and to providing the child consistent and regular opportunities, guidance and encouragement to maintain awareness, understanding and interest in his or her cultural heritage.

PRACTICE STANDARD 4

Preserving an Aboriginal Child's Unique Cultural Heritage and Identity

When considering a plan for permanency, including a plan for adoption, for an Aboriginal child, you must give special attention to preserving the child's unique cultural identity and heritage.

When involving the Aboriginal child's family, Band or Aboriginal community in discussions about the child's permanency, which may include adoption, you must conduct your duties with understanding and respect for the importance of preserving their Aboriginal ancestry, culture and heritage.

Commentary

This practice standard reflects the legal imperative found throughout the *Adoption Act* and *CFCSA* to respect and preserve the Aboriginal child's cultural identity and ties to his or her family, Aboriginal community and heritage. It is in the child's best interests to promote an understanding of the importance of the child's connections with his or her whole life – past, present and future – as it relates to culture and heritage.

Considering the importance of preserving an Aboriginal child's cultural identity when determining the best interests of the child, is a requirement of section 3 of the *Adoption Act* and Practice Standard 1.

Involving the child, the child's family and the child's Band or Aboriginal community in discussions about the child's permanency is described in Practice Standards 18 and 31. In both Guardianship Practice Standard 9 and Adoption Practice Standard 18, involving the child's Aboriginal community includes developing a plan to preserve the child's cultural identity. This plan is part of the child's comprehensive plan of care.

Understanding Aboriginal communities in B.C.

Aboriginal communities in B.C. are complex and diverse, and may be thought of as comprising three distinct groups:

First Nations:

A First Nations community is a culturally unique political and geographic entity, based upon an historic relationship with a geographic territory or land base. In some cases, these communities may be referred to as First Nations governments or Indian Bands.

Individuals who identify themselves as First Nations may be either Status Indians or Non-status Indians, in that they have a genealogical connection to a First Nations community. First Nations people may reside either on reserve or off-reserve.

Métis Nation:

The Métis Nation community is comprised of Aboriginal people of mixed European-Aboriginal ancestry, who self-identify with the Métis cultural and political experience that resulted from the Red River fur trade. In British Columbia, the Métis community generally cannot be delineated as being associated with a specific geographic location.

Individuals who identify themselves as Métis may or may not self-identify as a member of the Métis Nation. Métis people are not First Nations, yet they are Aboriginal people of Canada. Métis people reside in many communities in B.C.; however, the majority of members are concentrated in the Victoria, Lower Mainland and Prince George areas.

Urban and Off Reserve:

Urban Aboriginal communities are generally considered to be inclusive of all of the Aboriginal individuals who reside in a given geographic center, exclusive of a reserve.

Individuals who identify themselves as members of an urban Aboriginal community may be Status Indians from B.C. or elsewhere in Canada, Non-status Indians (i.e., Aboriginal people who through inter-marriage or adoption have lost their connection to their reserve-based community), Métis, or people of Inuit ancestry.

The Inuit people have a genealogical connection to the Aboriginal people who reside in the circumpolar regions of Canada, including Labrador, Quebec, Nunavut, the Northwest Territories and the Yukon. Inuit people are neither First Nations nor Metis.

It is important that adopting parents be advised to expose Aboriginal children to the child's own unique cultural heritage.

Guidelines**Discussing permanency**

When discussing permanency with a designated representative of a Band or Aboriginal community, it is important to ensure that all permanency options for the child are explored. Adoption is a permanency option to consider while exploring the viability of all other suggested options for permanency.

Considering custom adoption

Adoption Act
s. 46

The *Adoption Act* permits a court to recognize that an adoption of a person effected by the custom of an Indian Band or Aboriginal community has the effect of an adoption under the *Act*.

Each Aboriginal community has its own definition of custom adoption, and its own criteria. The court has identified the following five factors to consider when it is being asked to declare that a custom adoption has occurred:

- that there is consent of the birth and adopting parent(s)
- that the child has been voluntarily placed with the adopting parent(s)
- that the adopting parent(s) are indeed native or entitled to rely on native custom
- that the rationale for native custom adoptions is present, and
- that the relationship created by custom must be understood to create fundamentally the same relationship as that resulting from an adoption order under Part 3 of the *Adoption Act*

An adoption order under the *Adoption Act* or the recognition of a custom adoption by a court does not affect any Aboriginal rights a person has.

Custom adoption of a child in continuing custody

The court will require the consent of the Director of Child Protection when considering an application for a custom adoption for a child in continuing custody, to enable the adoption to be recognized under section 46 of the *Adoption Act* as having the same effect as an adoption under the *Act* and to extinguish the continuing custody order. The ministry is currently developing criteria and guidelines for obtaining the director's consent. For further information, contact Aboriginal Services, Child Protection Division.

Custom adoption of a child placed voluntarily by the birth parent(s)

Custom adoption, which is subsequently recognized by the court as having the same effect as an adoption order under the *Adoption Act* is a permanency option that can be explored with birth parents voluntarily planning adoption under the *Adoption Act*.

Preserving the child's cultural identity

A plan to preserve the child's unique cultural identity:

- is **REQUIRED** by Practice Standard 18 when an Aboriginal child is placed for adoption in an approved non-Aboriginal home, and
- is **CONSIDERED** when an Aboriginal child is placed for adoption with an Aboriginal family outside his or her extended family in order to connect the child with his or her extended family, and when an Aboriginal child is placed for adoption outside his or her Aboriginal community in order to connect the child to his or her Aboriginal community.

(Placement in a non-Aboriginal home may only proceed with the approval of the Exceptions Committee; refer to Practice Standard 19.)

Disclosing identifying information concerning an Aboriginal child

Refer to Practice Standard 7 for general requirements concerning confidentiality when you are obtaining and disclosing information.

Adoption Act
s. 62(1)

The name and location of the child's Indian Band, Aboriginal community or Nisga'a Lisims Government may be disclosed to the Aboriginal child's prospective adoptive parent(s) during the planning process or to the adoptive parent(s) when information is requested after the adoption order has been granted.

Adoption Act
s. 62(2)

Similarly, identifying information about an Aboriginal child or a Nisga'a child (with the written consent of the adoptive parent(s) after the adoption order is granted) may be disclosed to the child's Indian Band, Aboriginal community or Nisga'a Lisims Government so the child may be contacted.

If you receive a request to provide services involving obtaining or disclosing information after an adoption order is granted, refer to Chapter 13: Post-adoption Services.

PRACTICE STANDARD 5

Following Related Protocols, Standards and Policies

You must follow related protocols and standards, including but not limited to:

- *Practice Standards for Guardianship*
- *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories*
- protocol agreements with Aboriginal agencies and communities
- MCF Complaints Process and *Complaints Process Handbook*
- *Procedures for Accelerated Review of Imminent MCF Placement Decisions*
- International Social Services agreements.

If you are delegated to provide guardianship or adoption services and are employed by an Aboriginal child and family service agency, you must also follow the *Aboriginal Operational and Practice Standards and Indicators*

Commentary

- *Practice Standards for Guardianship* outlines the standards and procedures that direct guardianship practice in British Columbia. Its purpose is to give those with statutory guardianship authority a clear picture of what is expected of them, along with recommended procedures to meet those expectations. Reportable circumstances are included in *Practice Standards for Guardianship*. These circumstances pertain to the adoption planning period for children in the care of a director under the *CFCSA* and after consents are signed for children being placed voluntarily under the *Adoption Act* and during the post-placement period until the adoption order is granted for all children placed for adoption.
- **The *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories*** provides a framework for consistent quality services to children and young adults in care moving between provinces and/or territories. Schedule C of the protocol applies to adoption and post-adoption services for children in the care, custody or guardianship of a provincial or territorial child welfare authority by a court order, voluntary care agreement or adoption consent. (For information on the protocol, refer to Chapter 10 and the Appendix.)
- **Protocol agreements with Aboriginal agencies and communities** provide a framework for collaborative working relationships, and for the local implementation of the ministry's Strategic Plan for Aboriginal Services as well as provisions in the *CFCSA* and the *Adoption Act* relating to Aboriginal children and families. Protocol agreements explain the responsibilities of the ministry, Aboriginal communities and any affiliated Aboriginal child and family service agencies, including how the parties will work together to provide services and how the parties will consult each other regarding services to Aboriginal children and families.
- **The Ministry for Children and Families complaints process and the *Complaints Process Handbook*** describe the process for hearing, reviewing and resolving complaints from ministry clients. Within each region a manager has been designated to take on this function. When a request is made by a client to review a field decision, the complaint process begins.

When a request is made to review a decision made by Adoption Branch, the complaint is initially discussed with the individual who made the decision, and if there is no

resolution, the complaint is referred to the manager of Adoption Branch. When the complaint relates to a decision made by the manager or by the Director of Adoption, the complaint is referred to the individual designated to have the responsibility for hearing, reviewing and resolving complaints for Adoption Branch.

- *Procedures for Accelerated Review of Imminent MCF Placement Decisions* (under development) is a process to be used specifically when there is a dispute about a proposed placement change. The process is available only when the proposed placement is to take place within 30 days and there are no health or safety concerns.
- **The Ministry for Children and Families contracts with International Social Services (ISS)** to obtain services in other countries for children in the guardianship of a director under the *CFCSA* or under the guardianship of the Director of Adoption. To obtain services through ISS, contact Adoption Branch. In turn, when services in British Columbia are requested through ISS, ministry staff provide those services. Where applicable, Adoption Branch refers requests received from ISS to district offices.
- **The *Aboriginal Operational and Practice Standards and Indicators*** guide the practice of guardianship for children in care whose case management is being provided through a delegated Aboriginal child and family service agency.

There may be a number of other protocols that direct and guide practice. Some are developed regionally such as case-transfer protocols with local service providers.

Adoption practice is consistent with the principles of the integrated case management approach. The *Integrated Case Management User's Guide and Training Guide* may be helpful in assisting prospective adoptive parent(s) after a child is placed for adoption (available on MCF Connect (Intranet) under "Publications.")

PRACTICE STANDARD 6**Seeking Consultation, Supervisory and Management Approval**

Throughout the adoption process, you must:

- seek consultation with your supervisor/team leader, and
- at the time of key case management decisions, obtain the approval of:
 - your supervisor/team leader
 - where required, your regional manager responsible for adoption, and
 - where required, the Director of Adoption.

Commentary

This standard highlights the importance of seeking consultation in exercising your delegated responsibilities. Consultation is particularly important when making decisions about lifelong planning for children. This standard reflects the requirement that supervisors/team leaders, regional managers responsible for adoption and the Director of Adoption approve certain key decisions within the adoption process to ensure that the decisions are consistent with statutory requirements and ministry practice standards. For further information about any of the key decisions, refer to the relevant practice standard.

Approval from your supervisor/team leader is required when:	Refer to:
• reporting contraventions of the <i>Adoption Act</i>	Practice Standard 9
• making all placement decisions, including completing the comprehensive plan of care before proceeding with an adoption plan	Practice Standard 18, 21, 27, 36, 50
• requesting approval from the Exceptions Committee to review non-Aboriginal written family assessments	Practice Standard 19
• placing a child where a birth parent voluntarily planning adoption is not located to complete the medical and social history of the child	Practice Standard 23
• designating a child for post-adoption assistance	Practice Standard 24
• determining whether a child is prepared and ready for an adoption placement	Practice Standard 25
• proposing a child to prospective adoptive parent(s)	Practice Standard 26, 27, 50
• prior to entering into a Birth Parent Pre-placement Agreement	Practice Standard 37
• a written family assessment cannot be completed within 4 months of when all documentation for the structured family assessment has been gathered	Practice Standard 44
• approving prospective adoptive parent(s)' written family assessment	Practice Standard 46
• negotiating and approving post-adoption assistance	Practice Standard 53
• following through with reportable circumstances	Practice Standard 58
• completing an adoption	Practice Standard 59
• a direct placement pre-placement assessment cannot be completed within 4 months of when all required documentation has been gathered	Practice Standard 72
• recommending a partial or full fee subsidy for adoption services	Practice Standard 11

Approval from your regional manager responsible for adoption is required when:	Refer to:
<ul style="list-style-type: none"> requesting an exception to registration for adoption for a child under 12 in the continuing custody of a director under the CFCSA 	Practice Standard 16
<ul style="list-style-type: none"> planning general recruitment within the region for prospective adoptive parents 	Practice Standard 17
<ul style="list-style-type: none"> requesting approval from the Exceptions Committee to place an Aboriginal child in the continuing custody of a director under the CFCSA in a non-Aboriginal home 	Practice Standard 19
<ul style="list-style-type: none"> requesting that siblings in the continuing custody of a director under the CFCSA be placed separately 	Practice Standard 21
<ul style="list-style-type: none"> requesting an exception to the preferred practice of having a worker other than the worker responsible for the child complete the homestudy process for caregivers or prospective adoptive parent(s) who have applied for a specific child, or when it is in the best interests of a child 	Practice Standard 1 , 45
<ul style="list-style-type: none"> a child in care is being placed for adoption in another province or country 	Practice Standard 65
<ul style="list-style-type: none"> completing a written family assessment for prospective adoptive parent(s) who plan to adopt a child under the permanent guardianship of another province or territory 	Practice Standard 68
<ul style="list-style-type: none"> when a child is placed for adoption and there is a request to travel outside the province for an extended visit or to travel outside Canada 	Practice Standard 57
<ul style="list-style-type: none"> removing a child from the home of prospective adoptive parent(s) against their wishes when an adoption disrupts or a revocation occurs 	Practice Standard 58
Approval from the Director of Adoption is required when:	
<ul style="list-style-type: none"> there is a request to contact a birth parent, birth relative or adopted person after the adoption order is granted, except as provided for under sections 69 and 71 of the <i>Adoption Act</i>, which allow individuals to register for the mutual exchange of identifying information and for search and reunion services when the adopted person is 19 or over 	Practice Standard 7
<ul style="list-style-type: none"> negotiating and prior to completing an agreement for post-adoption assistance 	Practice Standard 53
<ul style="list-style-type: none"> requesting a recommendation to alter or dispense with the six-month residency required in the Post-placement Report 	Practice Standard 62
<ul style="list-style-type: none"> prior to the Post-placement Report going to the court 	Practice Standard 62

If you are a delegated adoption worker for an Aboriginal child and family service agency, refer to a person with equivalent responsibilities in your organization.

Guidelines

Where required, consultation:

- involves a thorough review of relevant facts and data
- precedes decision making, whenever possible, to ensure all important aspects of a decision are addressed and as many options as possible are considered
- provides feedback on work in progress and on work completed, and
- provides you with support in exercising your duties and responsibilities.

Consult with Adoption Branch when:

- clarifying adoption standards and procedures
- you wish to locate and contact the worker for the adoptive parent(s) of each of the child's siblings
- obtaining contacts for interprovincial and territorial child welfare agencies
- obtaining contact information when services or information are required from ISS or a child welfare agency in another country
- accessing or facilitating access to any registries managed by Adoption Branch (for responsibilities of Adoption Branch, refer to "The Role of Adoption Branch" in the Appendix)
- planning media recruitment for prospective adoptive parents (refer to Practice Standard 17)
- obtaining any approvals required of the Director of Adoption
- consultation with Legal Services Branch is required
- completing the Post-placement Report and related documents for adoption completion
- after consulting with your supervisor/team leader and regional manager responsible for adoption around any practice related issues where you feel further consultation is required.

Consult with Aboriginal Services when:

- questions arise in determining if a child is Aboriginal
- guidance is needed in involving the child's Band or Aboriginal community
- determining case management responsibilities between delegated Aboriginal child and family service agencies and a ministry office
- clarifying the process to request approval to the exception to place an Aboriginal child in a non-Aboriginal adoption placement
- developing a cultural plan for the child.

PRACTICE STANDARD 7

Confidentiality, Obtaining and Disclosing Information

You must comply with all legislative provisions governing disclosing and obtaining information about the child and child's birth family and adoptive family.

When disclosing or obtaining information, you must:

- ensure that it is in the child's best interests, and
- advise the child's prospective adoptive parent(s), any other service providers and any person significantly or routinely involved in the child's care, about legislative provisions governing disclosure of information and the need to protect the personal privacy of the child and of the child's family.

You must obtain the approval of the Director of Adoption:

- before releasing any identifying information from any file involving a completed adoption, and
- when there is a request to contact a birth parent, birth relative or adopted person after the adoption order is granted, except as provided for under sections 69 and 71 of the *Adoption Act* which allow individuals to register for the mutual exchange of identifying information and for search and reunion services when the adopted person is older than 19.

Commentary

The collection, use and disclosure of information in adoption is subject to the *CFCSA*, the *Adoption Act* and the *Freedom of Information and Protection of Privacy Act*. In addition, the confidentiality and disclosure provisions of Guardianship Practice Standard 15 apply to all children under the guardianship of a director under the *CFCSA* or under the guardianship of the Director of Adoption.

Access to information and sharing of information are of critical importance to all participants in an adoption. By facilitating the sharing of or disclosure of information in its possession, the ministry ensures that participants in an adoption have access to information they would not otherwise have and to which they are entitled under the *Adoption Act* and the *Freedom of Information and Protection of Privacy Act*.

Guidelines

General considerations

Maintaining the balance between the service recipient's right to privacy and confidential service, and your obligation, when necessary, to disclose personal information, is essential to your role in providing adoption services. Information should be obtained and shared on a need-to-know basis and should respect a third party's privacy, if applicable.

In deciding whether to disclose or obtain information, you should:

- have a comprehensive understanding of how the provisions in the *Adoption Act* and the *Freedom of Information and Protection of Privacy Act* work together so that you can explain the provisions to those involved in adoption
- where a specific case requires, or when dealing with complicated or complex situations, consult with your supervisor/team leader before proceeding
- ensure confidentiality as required by the *Act*

- for further consultation, contact Adoption Branch or the Information and Record Services Branch.

Confidentiality

Confidentiality during the proposal process

To protect the privacy of a child, unless identifying information about the child and birth parent(s) is known to the prospective adoptive parent(s), ensure that no identifying information about the child's birth name and birth parent(s) is disclosed to the prospective adoptive parent(s) during the proposal process. When birth parent(s) are voluntarily planning adoption under the *Adoption Act* identifying information is not severed if birth parent(s) request that specific information be shared, such as where they reside.

Confidentiality when a child is in continuing custody

When a child is in continuing custody, there is no requirement to sever identifying information about the child's birth name and birth parent(s) after the child is placed for adoption and before the adoption order is granted unless:

- a decision is made to restrict the release of identifying information about the birth parent(s) when determining whether openness is in the child's best interests or
- a child in care does not know his or her birth name or the identity of the birth family, in which case confidentiality of the family member(s) is respected and identifying information is only disclosed on a "need to know" basis, or if the person the information is about consents to the disclosure.

As guardian of the child, it is your responsibility to determine if it is in the child's best interests both in the short and long term for identifying information to be disclosed to the child and to the child's prospective adoptive parent(s).

Confidentiality when birth parent(s) are voluntarily planning adoption

When birth parent(s) are voluntarily planning adoption under the *Adoption Act* unless during openness discussions birth parent(s) have agreed to the disclosure of identifying information, ensure that no identifying information about the child's birth name and birth parent(s) is disclosed to the prospective adoptive parent(s).

When you are providing notice to fulfill any requirement of the *Adoption Act*, *Adoption Regulation* or Practice Standards when privacy is to be maintained, ensure that the return address and postmark do not disclose the child's location.

Obtaining information

Adoption Act
s. 70

The *Adoption Act* permits the director to obtain any information that is in the custody or control of a public body and is necessary to enable the director to locate a person for the purposes of the *Adoption Act* or is necessary for the health or safety of an adopted person. Refer to Practice Standard 8 for information about the role of Adoption Branch in accessing information from public bodies to locate an individual.

The *Act* also permits the Director of Adoption to obtain any information that was collected under the *CFCSA* when the information is required to exercise the powers given to the director under the *Adoption Act*. Refer to "Disclosing identifying information" below and Chapter 13 regarding restrictions on the disclosure of information.

Refer to Practice Standard 9 regarding the provision under sections 73 and 88 of the *Adoption Act* that requires information obtained by the director to be kept confidential.

Disclosing identifying information

Adoption Act
s. 61
s. 68

The Director of Adoption may disclose identifying information when the disclosure is necessary for the safety, health or well being of a child or so that a child may receive a benefit. The Director may also contact a birth parent (or if the birth parent is not available, a relative of the birth parent) or an adopted person 19 years of age or older, in compelling circumstances that affect anyone's health or safety. Although the Director of Adoption is the only person designated to perform these duties, you need to be familiar with these provisions to make the necessary referrals to Adoption Branch.

For information on disclosing identifying information concerning an Aboriginal child (to prospective parents or to a child's Indian Band or Aboriginal community) refer to Practice Standard 4.

When you receive a request to provide services involving disclosing or obtaining information after an adoption order is granted, refer to Chapter 13: Post-adoption Services, which includes information about provisions under sections 69 and 71 of the *Adoption Act*

PRACTICE STANDARD 8

Making Reasonable Efforts as Required by the Adoption Act

You must make reasonable efforts to notify or contact an individual who is entitled to be notified or contacted under a provision of the *Adoption Act*

Commentary

Within the *Adoption Act* and the *Adoption Regulation* there are a number of requirements to make reasonable efforts to notify or contact individuals. This standard describes the efforts you are required to make when you are trying to locate a person, including what constitutes a reasonable search for the individual.

Guidelines

Reasonable efforts to contact or notify an individual

If the method of notification is specified in the *Adoption Regulation* or practice standards, you are required to follow the prescribed method.

When the method of notification is not specified in the Regulation or practice standards, reasonable efforts to contact a person include:

- using a process server, if available, and placing a copy of the efforts of the process server on the file to submit to court as part of the court documents, or
- if a process server is unavailable:
 - following up on information available, such as current addresses or phone numbers on file or provided by a party to the adoption, and
 - ensuring notice is served personally or sent by registered mail, requesting confirmation from Canada Post.

If the initial efforts mentioned above are not successful, the following steps, as reasonable and appropriate, should be taken:

- Search the telephone and city directory in the areas where the person is likely to be located.
- Contact relatives of the person to inquire where the person is likely to be located, but only if the relative is aware of or involved in the adoption.
- Contact one birth parent to inquire about the whereabouts of the other birth parent.
- Place an ad in the major newspapers of the province where the person is likely to be located.
- If the person is believed to be in another jurisdiction, contact that jurisdiction to determine if there are any searches that might be attempted. (Consult with Adoption Branch for assistance in obtaining contact information.)
- If the person is a member of an Aboriginal Band or community, talk to the designated representative of that community.

When you are providing notice to fulfill any requirement of the *Adoption Act*, *Adoption Regulation* or practice standards, in order to respect the privacy of the child and the adoptive family, ensure that the return address and postmark do not disclose the child's location.

When making reasonable efforts to contact a person, careful documentation of each step you take is essential. Your search efforts and results may need to be recorded in an affidavit and

submitted to the court as a part of the court documents, when the application for an adoption order is made.

Referring a search request to Adoption Branch

If after exhausting all the steps above, you are still unsuccessful in locating the person, a search request can be referred to Adoption Branch. Your referral should include:

- the name and birth date of the individual
- the reason for the search
- a listing of all steps taken to locate the person.

Adoption Branch has access to records from the following:

- the Vital Statistics Agency
- the Motor Vehicle Branch
- the Ministry of Health Medical Services Plan.

If the search by Adoption Branch is successful, the current address and telephone number or information on how the person can be contacted will be provided to you by Adoption Branch. The person can then be contacted directly to complete the service required. If you have obtained information from an Adoption Branch search and are using a process server, advise him or her of the steps taken and the results.

PRACTICE STANDARD 9

Reporting Suspected Offences and Contraventions of the Adoption Act

Upon receiving information indicating that an offence under the *Adoption Act* may have or has occurred, you must

- prepare a written report
- have the report signed by your supervisor/team leader, and
- send the report to the Director of Adoption within five working days.

Commentary

To ensure that an adoption plan is made in the best interests of the child, provisions in the *Adoption Act* provide safeguards for the child, and for the child's birth parent(s) if they are planning adoption voluntarily under the *Adoption Act*. The *Act* sets out offences and penalties which support these requirements and prevent the acceptance of payments and advertising from influencing decisions which affect the lifelong plan for a child. In addition, the privacy of a person who files a no-contact undertaking is protected by these provisions. The penalty provisions of sections 82 up to and including section 90 of the *Adoption Act* are designed to highlight the critical importance of complying with the *Adoption Act*. Each offence is summarized below, along with the process to follow where an offence is suspected. All potential offences should be considered promptly and brought to the attention of the Director of Adoption.

Refer to the applicable sections of the *Adoption Act* for the fines levied if the parties are found liable.

Reportable offences

Adoption Act
s. 82

Contravening placement requirements

This provision specifies the requirements for placing a child, ensuring that all adoptions meet certain standards. It provides a disincentive for anyone, other than the ministry or a licensed B.C. adoption agency, to facilitate or arrange adoptions. It also provides a motivation to prospective adoptive parent(s) to meet the placement requirements of the *Adoption Act*.

Adoption Act
s. 83

Contravening interprovincial or intercountry requirements

This offence provision is intended to deter individuals from bringing a child into the province for the purpose of adoption unless they have met the requirements of section 48 of the *Adoption Act*.

Adoption Act
s. 84

Paying or accepting payment for an adoption

This provision has as its objectives, the prevention of unregulated adoption practices, deterring anyone from trafficking in children, and the prevention of payments to birth parent(s) or guardian to place their child with them. There are exceptions for licensed B.C. adoption agencies, lawyers and health care providers to be paid reasonable fees and expenses for their services. Allowable expenses that may be paid by prospective adoptive parent(s) to a birth mother are set out in section 10 of the *Adoption Regulation*.

Adoption Act
s. 85

Advertising

It is an offence for anyone to advertise in any manner that they have a child available for adoption or are seeking a child for adoption with certain exceptions as outlined in section 85 of the *Adoption Act*.

Adoption Reg.
s. 10(1)

This offence provision does not apply to publication in print or electronic media with respect to the availability of a child who is:

- in the continuing custody of a director under the *CFCSA*
- under the guardianship of the director under the *Adoption Act*
- under the guardianship of a director pursuant to section 29(3) of the *Family Relations Act*.

Refer to Practice Standard 17 for instructions regarding the use of print or electronic media to promote the adoption of children in care.

Adoption Act
s. 86

Making a false statement

This provision is intended to deter anyone from making a false statement or providing false information in applications or filings in the following circumstances:

- an application to the Birth Fathers' Registry
- an application to the Post-adoption Openness Registry or Passive Registry
- an application for birth registration and adoption order information, and
- the filing of a disclosure veto or no-contact declaration.

Adoption Act
s. 87

Contravening a no-contact undertaking

This provision is intended to deter people from violating a no-contact declaration (refer to Chapter 13). If an adopted person or birth parent(s) have filed a no-contact declaration with the Vital Statistics Agency, the other person must sign an undertaking that they will not contact the person who filed the no-contact declaration.

Adoption Act
s. 88

Releasing confidential information for an unauthorized purpose

This provision is intended to support the following provisions of the *Adoption Act* which require information to be kept confidential. Section 42(1) requires that where the identities of the birth parent(s) and adoptive parent(s) are not known to one another they cannot be disclosed in any notice or court documents. Section 73 requires that information in the Birth Fathers' Registry, the Openness Registry, the Active and Passive Registries and information provided to the Director from public bodies must not be disclosed or used for any purpose except the purpose for which it was provided.

Guidelines

Reporting an offence

Upon receiving information indicating that an offence has or may have occurred, prepare a written report to the Director of Adoption as follows:

- include names, dates, places and other details of the possible offence and the source of the information
- request that your supervisor/team leader review and sign the report
- include any supporting documents, and
- within five working days of learning of the possible offence, forward the report to the Director of Adoption to review and determine the most appropriate course of action.

PRACTICE STANDARD 10

File Management

You must ensure that files and case records for the child, the birth parent(s) and the prospective adoptive parent(s):

- are maintained in the form required, whether in electronic format or on paper
- are maintained in a secure location at all times, and
- are protected from unauthorized access.

In addition, you must ensure that:

- the child's file contains all documentation and the record of services provided to the child while he or she is in care, including those required to complete the services described in *Practice Standards and Guidelines for Adoption and Guardianship Practice Standard 42*
- information contained in the child's, the birth parent(s)' and the prospective adoptive parent(s)' files and case records is accurate and complete, and
- at the time of adoption placement, before transferring the child's file to the district office responsible for supervising the post-placement period, the child's file has been placed on restricted status in order to protect the privacy of the child and prospective adoptive parent(s).

Commentary

CFCSA
s. 76

The quality of personal information contained in files and case records is important to children who are placed for adoption, their birth families and their adoptive families. Often these records provide a unique biographical and developmental account of the child's life in care. In addition, many children placed for adoption have no other source than ministry records for information about their birth families, the circumstances that may have brought them into care, the life events during their time in care, and the reasons an adoption plan was made. Under the *CFCSA* and the *Freedom of Information and Protection of Privacy Act*, children and families have the right to be given access to a record containing information about them, and under the *CFCSA* a child 12 years of age or older has an independent right of access to his or her record.

Information recorded on ministry files is used by the Adoption Reunion Registry (ARR) to establish who is eligible to utilize the services of the registry. The ARR also accesses ministry files when the registry receives a request to provide information to birth parents and adopted persons.

In addition, information and dates recorded on the files of the child, birth parent(s) and adoptive parent(s) provides the basis for the Summary Recording. The Summary Recording assists the Director of Adoption in making a recommendation to the court as to whether an adoption order should be made, and confirms that the requirements of the *Adoption Act* have been met.

Guidelines

File and case records must be kept confidential and in a secure location at all times, as required under Part 5 of the *CFCSA* and section 9.5 of the Information Security, General Management Operation Policy.

Information about adoption file management on the MIS/SWS system can be found in the MCF Systems User Guide. Additional information can be found in *Administrative Procedures and Guidelines for Adoption Services*.

Questions regarding access to records can be directed to the ministry's Information, Privacy and Records Services Branch.

Questions regarding the retention and disposal of records can be directed to the ministry's Records Officer, Information, Privacy and Records Services Branch, Records Management Unit.

For information about the transfer of adoption case files to off-site storage, contact the Ministry Records Officer.

File documentation requirements

Accurate and complete file documentation includes:

- opening, transferring and closing recordings
- records of significant events
- records of contacts, including date of contact, reason for contact, and the content of the contact, and
- the information and documents described in *Administrative Procedures and Guidelines for Adoption Services*.

Summary Recordings

When you assume responsibility for adoption planning for a child in care, or early on in your involvement with birth parent(s) who are voluntarily planning adoption under the *Adoption Act* familiarize yourself with the requirements of the Summary Recording (refer to Practice Standard 61).

For a checklist of important dates and documentation to assist you in gathering the required information, refer to the Appendix in *Administrative Procedures and Guidelines for Adoption Services*.

Transferring a child's file

Prior to transferring a child's file to the district office responsible for supervising the adoption placement:

- in order to protect the privacy of the child and the prospective adoptive family, ensure that the child's file has been placed on restricted status, and
- refer to Practice Standard 55.

PRACTICE STANDARD 11

Collection of Fees for Adoption Services

You must:

- inform prospective adoptive parent(s) at the outset about fees charged for services and the manner of payment
- apply the Adoption Services Income Test to determine the fees to be charged
- obtain your supervisor's/team leader's approval for a full or partial fee subsidy, and
- if no subsidy has been approved, ensure that fees are collected prior to providing services.

Commentary

Ministry adoption services and resources are provided on a priority basis for the placement of children with special needs and children in the continuing custody of a director under the *CFCSA*. No fees are charged for these services.

Fees are charged on a cost-recovery basis to people who use other adoption services provided by the ministry. This ensures that government resources are targeted to children in continuing custody. In addition, charging fees for certain adoption services establishes a level playing field with licensed B.C. adoption agencies that charge fees for similar adoption services to cover their operational expenses. It ensures that government does not undercut licensed B.C. adoption agencies.

Fees are charged to prospective adoptive parent(s) for services related to the adoption of children who have no special service or placement needs, for direct placements and for intercountry adoptions.

Fees are not charged:

- for services related to the placement for adoption of a child with special service or placement needs as defined in the *Adoption Regulation* or to a child in the continuing custody of a director under the *CFCSA* or
- to birth parent(s) or guardian in relation to the adoption placement process.

Fee subsidies based on an income test are provided to ensure prospective adoptive parent(s) at all income levels have equal opportunity to be considered to adopt a child.

Your supervisor/team leader may waive fees when prospective adoptive parent(s) provide written confirmation that their total family income is derived from benefits under the *B.C. Benefits Act*, Canada Pension or the Employment Insurance Commission.

Fees paid by prospective adoptive parents for adoption services may be refunded if it is determined that they paid the fee by mistake or if the service is not provided (for example, if an applicant pays the required fee and before the work commences, or after only a minimal amount of work has been undertaken, they withdraw from the homestudy process). The applicants may then apply for a refund of the fee.

Adoption Reg.
s. 26

Guidelines

During the adoption application process, inform prospective adoptive parent(s) of the following :

- The entire fee is collected before the service is provided.
- Payments can be made by personal cheque, money order or bank drafts, payable to the Minister of Finance.
- They may apply for a subsidy for all or part of the fee on the basis of the Adoption Services Income Test (CF2717) which determines their eligibility for a subsidy.

Fees, fee subsidies and fee refunds

Refer to *Administrative Procedures and Guidelines for Adoption Services* for information and procedures to follow:

- when determining the fees charged for specific services and calculating the amount applicants are required to pay
- to determine whether to recommend approval of a full or partial subsidy for fees
- to request a fee refund if you determine that a fee was paid by mistake or for a service that was not provided.

CHAPTER 2:

Openness

Openness in adoption recognizes the importance to a child's continued psychological and emotional health, development and well being of maintaining significant relationships with friends, family members and former caregivers.

Openness helps adopted children to know about themselves, their family and their cultural heritage. It also allows them to initiate or continue relationships with birth family members and others who are significant in their life, and to develop a strong and healthy identity. Birth family members value openness to maintain family connections and relationships, and to receive ongoing information about the health and well being of the child. Adopting parents value openness for the help it provides in answering the child's questions about his or her identity, relationships and heritage.

Openness at the time of placement makes it easier for adopted children and birth parents to share information about one another. The *Adoption Act* is based on the philosophy that adopted people, birth families and adoptive families are best served by a process that is open and ongoing. The process promotes the sharing of important information, including identifying information where desired by the participants to the openness agreement.

The standards in this chapter relate to openness agreements made before the adoption order has been granted. Openness agreements made after the adoption order has been made are described in Chapter 13.

General Information About Openness Agreements

Section 59 of the *Adoption Act* allows for openness agreements to be arranged between significant people in the child's life and the child's new family in order to facilitate communication or maintain relationships with a child who is adopted. Openness agreements are non-legally binding agreements made in good faith that allow for any level of contact agreed to by those making the agreement. Although openness is an option, not a requirement, openness should be considered to ensure the child can maintain relationships with important people in his or her life and develops a strong and healthy identity.

Who may enter into an openness agreement?

Openness agreements may be negotiated by any of the following:

- prospective adoptive parent(s)
- birth parent(s) or guardian(s)
- birth grandparent(s), siblings or any other relative by birth or adoption
- adoptive parent(s) or prospective adoptive parent(s) of a sibling of the child
- any other person who has established a relationship with the child, such as a caregiver
- siblings who may be in continuing custody and residing with a caregiver

Degree of openness

Openness options range from the exchange of non-identifying information to fully disclosed openness that includes contact with the child.

Non-identifying openness agreements

A non-identifying openness agreement provides for the exchange of non-identifying information and ongoing communication through an intermediary. Non-identifying information is exchanged through adoption workers in the district offices before the adoption order is granted, and through either of the two registries at Adoption Branch after the order is granted. (The registries are described below.)

Fully disclosed openness agreements

A fully disclosed openness agreement involves an exchange of identifying information between participants to the agreement. It may involve ongoing personal contact and visits. In a fully disclosed openness agreement, the district office and Adoption Branch are not involved in the information exchange or in the personal contacts or visits between the participants once the Openness Agreement has been negotiated, unless they have chosen to register their agreement on the Openness Exchange Registry. In the event that participants who have registered their agreement lose contact with one another, the Registry will exchange information for them if the Registry has been notified of current addresses.

Openness registries

The ministry provides two services to facilitate openness agreements. Both are managed by Adoption Branch, Victoria.

- The Openness Exchange Registry facilitates the exchange of non-identifying information after the adoption order is granted.
- The Post-adoption Openness Registry enables adoptive parents and birth relatives of children under 19 years of age to register their interest in establishing some form of openness agreement after the adoption order has been granted. (For information, refer to Chapter 13: Post-adoption Services.)

Formal and informal openness agreements

Openness agreements may be formal or informal. Preferred practice is to have the individuals enter into a formal agreement. However, whether the agreement is formal or informal, it is important that all participants in the agreement have the certainty and clarity of written terms and expectations for future contact. Even if the participants know one another, relationships and situations change; at a minimum, the terms of any agreement should be recorded. An agreement should also set out a process for resolving conflicts about the agreement.

Formal openness agreements

A formal openness agreement is a ministry form, Openness Agreement (CF0118), signed voluntarily by the participants after the terms have been negotiated and all participants are satisfied. Terms for the exchange of non-identifying or identifying information may be written into a formal openness agreement.

Informal openness agreements

If entering into a formal agreement is not possible, an informal openness agreement may be made. An informal agreement is a letter of understanding outlining the terms as agreed to by all participants, including the specifics of how and what information will be exchanged. This letter is sent to all participants in the agreement. The adoption worker records the terms of the agreement on the file for reference prior to the granting of the adoption order. An informal openness agreement can be registered on the Openness Exchange Registry if the participants so choose.

Specifics of an openness agreement

The details that participants in an openness agreement may negotiate include, but are not limited to the following:

- the type of communication, such as ongoing exchange of letters, pictures, video or audio tapes, or gifts, or phone contact
- the frequency per year, location and time of contact
- impediments to visits occurring, such as finances and geographical separation
- the desire for specific content, such as pictures of birthdays and Christmas
- a request for a letter outlining reasons for choosing adoption for the child
- a request for notice to the participants in the following circumstances (advise an individual requesting notification that notification is dependent upon the willingness of the participants or members of their families to be responsible for the notification):
 - if the child dies after an adoption order is granted, or the child has a life-threatening illness
 - if another participant in the openness agreement dies after the adoption order is granted
 - if the child leaves the permanent care and custody of the adoptive parent(s)
 - if the adoptive parent(s) divorce or separate
 - if any major events in the child's life occur, such as a disabling accident
- the identification of significant others who may be involved in any contact or communication
- the identification of a person or agency to help work through any future changes to the agreement or mediate any future conflicts over the agreement (ministry involvement ends once the adoption order is granted, and ministry workers do not facilitate compliance with the terms of an agreement; except in exceptional circumstances, mediation concerning a completed agreement is arranged and carried out privately by agencies or individuals, not by the ministry).

PRACTICE STANDARD 12

Planning and Completing Openness Agreements for a Child in Continuing Custody

When working with a child in continuing custody, early in the adoption planning process and prior to the adoption proposal, you must:

- consult with the child and consider the child's views about the option of initiating contact or continuing significant relationships through openness agreements
- review the child's comprehensive plan of care to determine the child's needs to initiate contact or for ongoing contact
- determine with whom openness is in the child's best interests, including initiating contact with birth family members
- if it has been determined to be in the child's best interests, provide information about openness to the child's relatives and any other person who has a significant relationship with the child
- ensure the adoption worker for the prospective adoptive parent(s) or adoptive parent(s) of a sibling of the child shares information about openness with them
- if a person with whom openness is being discussed resides outside your area, arrange for an adoption worker in that area to have these discussions
- determine the level of openness desired by those interested in entering into an openness agreement, and
- determine the level of openness that is in the best interests of the child.

When you have determined that an openness agreement with a person is in the best interests of the child, you must:

- consult with the child and consider the child's views about the openness agreement
- represent the best interests of the child during negotiations with interested individual(s), and
- assist in negotiating an agreement with participants in the adoption process, or
- arrange to have another adoption worker assist in negotiating an agreement when the person with whom openness is being discussed resides in another area.

An openness agreement for a child in continuing custody must be completed:

- before the adoption order is made, and
- prior to placement, wherever possible.

You must exchange any information, letters, photos or gifts as agreed upon between the participant(s) to the openness agreement prior to the granting of the order.

Commentary

For the child in continuing custody of a director under the *CFCSA* openness agreements are considered early in the adoption planning process based on the child's need for ongoing contact with relatives and others who have a significant relationship with the child. Openness may be discussed with individuals who have ongoing relationships with the child and who have requested openness with the child, or contact may be initiated with someone with whom the child has not had an ongoing relationship. In all cases, decisions concerning with whom, and at what level, openness is possible must be made in the child's best interests.

To ensure that the child's best interests are represented in early discussion of openness, Practice Standard 1 requires a worker other than the worker for the prospective adoptive parent(s) to enter into discussions on the child's behalf.

In negotiating openness agreements, it is important that the interests of all participants are represented fairly and in an unbiased manner and that the role of the person representing the best interests of the child is clearly understood by all participants.

The level of openness is arrived at by mutual agreement and is based on a thoughtful and informed decision-making process.

While negotiations for an openness agreement may occur before or after an adoption order is granted, this standard pertains to openness agreements entered into before the order is granted. For information on entering into an agreement after the adoption order is granted, refer to the information on post-adoption openness in Chapter 13.

For children in continuing custody, openness agreements are finalized, wherever possible, prior to placement. This ensures that the child is placed with prospective adoptive parent(s) who agree to meet the needs of the child for ongoing contact as outlined in the child's comprehensive plan of care.

Guidelines

For descriptions of the openness options available and the specifics included in openness agreements, refer to General Information About Openness Agreements at the beginning of this chapter.

When consulting with the child and considering the child's views

Before beginning openness discussions involving a child in continuing custody:

- consult with the child in a manner consistent with his or her capabilities (refer to Practice Standard 2)
- help the child understand what it means to have contact or to exchange information with a person with whom they have a significant relationship and the potential impact on the child, and
- consider the child's views about entering into openness agreement(s).

Determining with whom an openness agreement should be considered

- Consider whether the child has developed significant relationships which should be maintained with caregivers, extended family members or other persons in the child's life by reviewing
 - the Family and Social Relationships section of the child's comprehensive plan of care and
 - all other available information about the child.
- If the child has siblings who will not be placed in the same adoptive home as the child, consider the importance of maintaining sibling relationships (refer to Practice Standard 21).
- When considering whether to initiate contact with birth parent(s) of a child in continuing custody, refer to Practice Standard 16.

Deciding whether openness with an individual is in the child's best interests

Once you have determined with whom openness should be considered, you must decide whether openness with an individual is in the child's best interests, as defined in section 3 of the *Adoption Act* and section 24(1) of the *Family Relations Act*

The following are the factors that should be considered and balanced in determining whether openness with an individual is in the child's best interests:

- the child's safety with the individual, especially where there have been previous child protection concerns about the individual and this child or another child
- the child's views of the possibility of openness with the person - if the child is 12 years of age or older, any decision about openness should be consistent with the child's wishes; if the child is under 12, his or her wishes should be taken into consideration
- the importance to the child of initiating or continuing contact with the individual, especially where the relationship is, or has the potential to be, one of love, affection or similar ties between the child and the individual, and where the relationship is long-standing and enduring
- the nature, extent and success of previous contact between the child and the individual, the effect of maintaining the relationship on the continuity of the child's care, and the extent to which the person is interested and involved in planning for the child and supports the adoption plan
- the child's age, level of development, and physical and emotional needs, including any special needs for care and treatment, and the impact on the child's health and emotional well-being of a continuing relationship with the individual
- the individual's capacity to engage in an openness agreement in a way that benefits the child and does not adversely affect the adoptive family environment
- the importance of preserving the child's cultural, racial, linguistic and religious heritage, and whether the child would benefit in this regard from a relationship with the individual
- the importance to the child's development of having a secure place as a member of a family, and whether this need could be met if prospective adoptive parent(s) are unable to manage the terms of an openness agreement
- the effect on the child if there is a delay in making a decision, keeping in mind that openness should not be supported if there is any question of whether it is in the child's best interests
- for an Aboriginal child, the importance of preserving the child's cultural identity.

Providing information about openness

In your discussions about openness with those with whom you have determined openness is in the child's best interests, include the following information:

- Openness agreements are made in the best interests of the child.
- Openness agreements are non-legally binding and are made in good faith.
- Options for openness agreements range from full disclosure including contact, to the exchange of non-identifying information.
- Openness agreements can be formal or informal.
- The ministry's openness registries are available to facilitate the exchange of non-identifying information.
- Openness agreements are initiated by the child's worker when a child is in continuing custody.
- The Post-adoption Assistance Program does not cover any costs associated with openness agreements.
- If, after the adoption order is granted, conflict arises between participants in an openness agreement, a participant may arrange and use community services such as mediation or obtain legal advice to assist in resolving any issues or disputes arising from the agreement:
 - as the involvement of MCF ends when the adoption order is made, it is advisable that those entering into openness agreements consider agreeing to, and identifying

- on the agreement, a possible future mediator, such as a licensed adoption agency or a community member
- if a mediator is not identified at the time the openness agreement is signed, and problems that require mediation later arise, the ministry can help identify a mediator; however, except in exceptional circumstances, the ministry does not arrange or provide mediation services
- Non-compliance of a participant in an openness agreement will not affect the validity of the adoption.
- The ministry does not facilitate compliance with the terms of the agreement.

Determining the appropriate level of openness

With each person with whom you are discussing openness:

- outline their needs and wishes regarding openness in the child's comprehensive plan of care
- refer to Openness Considerations with Birth Family Members or Other Significant People (see Appendix)
- determine if the level of openness requested is in the child's best interests (review the appropriate factors in determining the child's best interests from the list on the previous page)
- determine if it is in the child's best interests, both in the short and long term, to disclose identifying information about the child's birth family to the prospective adoptive parent(s) (refer to Practice Standard 7 regarding confidentiality).

Assessing a request for fully disclosed openness that includes contact

If a person has requested fully disclosed openness including contact with the child:

- Consider the age of the child and the proposed level of supervision involved in the contact.
- Based on knowledge you already have, and whether there has been ongoing contact, determine in consultation with your supervisor/team leader and regional manager responsible for adoption whether fully disclosed openness that includes contact could result in concerns for the safety and well being of the child.
- If you conclude that there would be concerns for the safety and well being of the child, assess, in consultation with your supervisor/team leader and regional manager responsible for adoption, whether contact is in the child's best interests; the assessment may include a prior contact check or a criminal record search. (Refer to Practice Standard 44 for information on requesting a criminal record search, the MCF User Guide for the procedure to conduct prior contact checks, and Practice Standard 46 for guidelines to assess them.)
- Before conducting a prior contact check or requesting a criminal record search, contact Adoption Branch for consultation with Legal Services Branch.
- When someone with whom you are discussing openness expresses interest in non-identifying openness with the intent of modifying the agreement in the future to request full disclosure and contact, advise the person that, after the adoption order is granted, the prospective adoptive parent(s) may ask that he or she consent to a prior contact check (arranged by contacting Adoption Branch) or a criminal record search.

If the level of openness desired is not in the child's best interests

If you believe the level of openness desired by a person with whom you are discussing openness is not in the child's best interests:

- consider whether a different level of openness could be arranged, including non-identifying contact

- consult with your supervisor/team leader, and
- inform the person of your decision and provide that person with an opportunity for a review of the decision by your supervisor/team leader.

When you assist in negotiating an openness agreement:

- consult with the child and consider the child's views about the openness agreement
- review the degree and scope of openness requested, whether informal or formal, fully disclosed or non-identifying, and negotiate the specifics of the agreement (for information about the range of openness options and the specifics of an agreement, refer to General Information About Openness Agreements at the beginning of this chapter)
- represent the child's interests during negotiations
- when considering a proposal to the adoption worker for the prospective adoptive parent(s), discuss openness with the worker during preliminary discussions as outlined in Practice Standard 26 and during the proposal as outlined in Practice Standard 27
- after the decision is made to place the child with the prospective adoptive parent(s) and prior to the beginning of pre-placement visits, complete a draft Schedule A (or letter in an informal agreement) outlining the specifics of the agreement
- clearly define how the exchange of gifts, letters or other material will occur (for example, the participants may agree that a gift may be sent through Adoption Branch for the child's birthday, Easter and Christmas)
- assist in completing the agreement, wherever possible, prior to placing the child, and
- if the agreement is not completed prior to the placement, ensure that the specifics of how the prospective adoptive parent(s) have agreed to meet the child's needs for ongoing contact are clearly outlined under "Description of Services to be Provided Based upon the Child's Needs" in the Family and Social Relationships section of the comprehensive plan of care completed at the time of proposal (refer to Practice Standard 27), and assist in completing the agreement prior to the completion of the adoption.

A separate agreement is negotiated between each person with whom openness is being considered and the prospective adoptive parent(s).

Completing an openness agreement

Openness agreements must be completed before the adoption order is granted and wherever possible should be completed before the child is placed. To complete an openness agreement:

- if birth relatives or other persons wish to enter into an agreement, open a separate (AS) file for each individual
- in the case of a formal openness agreement:
 - complete a draft Openness Agreement (CF0118) and draft Openness Agreement, Schedule A (CF0118A), setting out the specifics of the agreement
 - use the name by which the child is known to the individual entering into the agreement
- in the case of an informal agreement:
 - record the terms of the agreement on the (AS) file as a point of reference
 - outline the specifics of the informal agreement in a draft letter for the person requesting openness:
 - use the name by which the child is known to the person entering into the agreement

- include a statement that an openness agreement has been entered into in good faith, with the participants relying on each other to comply, and cannot be enforced under the *Adoption Act*
- forward a copy of the draft Openness Agreement (CF0118) and draft Openness Agreement Schedule A (CF0118A), or the draft letter to the worker for the prospective adoptive parent(s) to ensure that all persons agree on the terms of the agreement before it is signed
- after determining that the individual requesting openness with the child and the prospective adoptive parent(s) are in agreement about the specifics of the agreement:
 - complete a final Openness Agreement (CF0118) and Openness Agreement, Schedule A (CF0118A), or letter (in the case of an informal agreement)
 - obtain the signature of the birth parent or other individual on the agreement
- inform the participants that any changes to an openness agreement can be negotiated through the ministry prior to the granting of the adoption order
- forward a copy of the signed Openness Agreement (CF0118) and Openness Agreement, Schedule A (CF0118A), or letter in the case of an informal agreement, to the individual requesting openness with the child
- place a copy of the agreement or letter on the individual's (AS) file
- exchange any letters, gifts or other things, as agreed upon, prior to the granting of the order
- upon receiving notice from the worker for the prospective adoptive parent(s) that the adoption order has been granted, confirm the individual's address (in order to register the openness agreement), and
- if the services of the Openness Exchange Registry are required, register the agreement (refer to Practice Standard 15).

If you receive a request for a change to the terms of an agreement

Once the child has been placed for adoption, the worker for the prospective adoptive parent(s) takes on guardianship responsibilities for the child. If a request is made, before the adoption order is granted, to change the terms agreed to in early discussions or within a completed openness agreement, the worker for the adoptive parent(s) has responsibility for determining whether the requested change is in the child's best interests (refer to Practice Standard 14).

PRACTICE STANDARD 13

Planning and Completing Openness Agreements for a Child when Birth Parents Are Voluntarily Planning Adoption

When working with birth parent(s) who are voluntarily planning adoption under the *Adoption Act* early in the adoption planning process, you must:

- consult with the child and consider the child's views about the option of continuing significant relationships through openness agreements
- provide information about openness to those requesting openness, including the child's relatives and any other person who has a significant relationship with the child
- ensure the adoption worker for the prospective adoptive parent(s) or adoptive parent(s) of a sibling of the child shares the information about openness with them
- if a person with whom openness is being discussed resides outside your area, arrange for an adoption worker in that area to have these discussions
- determine the level of openness desired by each person with whom openness is being discussed
- if fully disclosed openness that includes contact is requested, assess whether there would be any concerns about the child's safety or well being.

When birth parent(s) voluntarily planning adoption under the *Adoption Act* request your assistance in negotiating an openness agreement, you must:

- consult with the child and consider the child's views about the openness agreement
- represent the best interests of the child during negotiations with interested individual(s), and
- assist in negotiating the openness agreement with participants in the adoption process or
- arrange to have another adoption worker assist in negotiating an agreement when the person with whom openness is being discussed resides in another area.

The completion of an openness agreement must occur:

- after consents have been taken from the birth parent(s), and
- before the adoption order is made.

You must exchange any information, letters, photos or gifts as agreed upon between the participant(s) to the openness agreement, prior to the granting of the order.

Commentary

In the case of birth parent(s) who are voluntarily planning adoption, the early discussions of openness are intended to explore openness options with birth parent(s) or relatives and those who have significant relationships with the child. In situations where there is a plan to place an older child voluntarily under the *Adoption Act* (refer to Practice Standard 30: Working with Birth Parents of a Child with Special Circumstances), early discussions includes determining the child's views of openness.

To ensure that the child's best interests are represented in early discussion of openness, a worker other than the worker for the prospective adoptive parent(s) must enter into discussion on behalf of the birth parent(s) (refer to Practice Standard 1).

In negotiating openness agreements, it is important that the interests of all participants are represented fairly and in an unbiased manner and that the role of the person representing the best interests of the child is clearly understood by all participants. The level of openness should be arrived at by mutual agreement, based on a thoughtful and informed process.

While negotiations for an openness agreement may occur before or after an adoption order is granted, this standard pertains to openness agreements entered into before the order is granted. For information on entering into an agreement after the adoption order is granted, refer to the information on post-adoption openness in Chapter 13.

Guidelines

For descriptions of the openness options available and the specifics included in openness agreements, refer to General Information About Openness Agreements at the beginning of this chapter.

Consulting with the child and considering the child's views

Before initiating an openness agreement:

- consult with the child in a manner consistent with his or her capabilities (refer to Practice Standard 2)
- help the child understand what it means to have contact or to exchange information with a person with whom they have a significant relationship and the potential impact on the child, and
- consider the child's views about entering into openness agreement(s).

Providing information about openness

In your discussions about openness with interested individuals, include the following information:

- Openness agreements are made in the best interests of the child.
- Openness agreements are non-legally binding and are made in good faith.
- Options for openness agreements range from full disclosure including contact, to the exchange of non-identifying information.
- Openness agreements can be formal or informal.
- The ministry's openness registries are available to facilitate the exchange of non-identifying information.
- Signing an openness agreement is not connected with the signing of consents for adoption.
- When consents are signed and the Director of Adoption becomes guardian of the child, you will continue involving birth parent(s) in adoption planning including choosing an adoptive family, providing medical and social information for the child, and participating in openness agreements; however, as guardian of the child, the Director has responsibility for final decisions, which are made in the child's best interests.
- The Post-adoption Assistance Program does not cover any costs associated with openness agreements.
- If requested, you will assist in the negotiation of an openness agreement.
- If, after the adoption order is granted, conflict arises between participants in an openness agreement, a participant may arrange and use community services such as mediation or obtain legal advice to assist in resolving any issues or disputes arising from the agreement:

- as the involvement of MCF ends when the adoption order is made, it is advisable that those entering into openness agreements consider agreeing to and identifying a possible future mediator, such as a licensed adoption agency or community member
- if a mediator is not identified at the time the openness agreement is signed, and problems that require mediation later arise, the ministry can help identify a mediator; however, except in exceptional circumstances, the ministry does not arrange or provide mediation services.
- Non-compliance of a participant in an openness agreement
 - is not grounds for the court to revoke consent to adoption
 - will not affect the validity of the adoption.
- The ministry does not facilitate compliance with the terms of an agreement.

Determining the level of openness desired

When working with birth parent(s), birth relative(s) or other person(s) with whom the child has an established relationship, determine the level of openness desired:

- provide birth parent(s) or guardian(s) planning adoption voluntarily under the *Adoption Act* with the handout, Openness Considerations – Birth Parent (see Appendix), and
- review the handout with them and discuss the impact their openness request may have on the availability of adoption homes
- refer to Openness Consideration with Birth Family Members or Other Significant People (see Appendix)
- outline their needs and wishes regarding openness in the draft agreement.

Assessing a request for fully disclosed openness which includes contact

In the case where birth parent(s) request fully disclosed direct contact with the prospective adoptive parent(s) which you believe may result in concerns for the safety and well being of the child:

- consider the age of the child and the proposed level of supervision involved in the contact
- consult with your supervisor/team leader and regional manager responsible for adoption when determining if there are concerns for the child's safety and well-being, and
- before conducting a prior contact check or requesting a criminal record search, contact Adoption Branch for a consultation with Legal Services Branch.

In the case where the birth parent(s) express an interest in non-identifying openness, with the intent of modifying the agreement in the future to include full disclosure and contact, advise the birth parent(s) that, after the adoption order is granted, adoptive parent(s) may request that they consent to a prior contact check (arranged by contacting Adoption Branch) or a criminal record search.

When you assist birth parent(s) to negotiate an openness agreement:

- consult with the child and consider the child's views about the openness agreement
- represent the child's interests during negotiations
- when considering a proposal with prospective adoptive parent(s), discuss openness with the worker for the prospective adoptive parent(s) during preliminary discussions as outlined in Practice Standard 49 and during the proposal process as outlined in Practice Standard 50
- review the degree and scope of openness requested, whether informal or formal, fully disclosed or non-identifying, and negotiate the specifics of the agreement (for information about the range of openness options and the specifics of an agreement, refer to General Information About Openness Agreements at the beginning of this chapter)

- clearly define how the exchange of gifts, letters or other material will occur (for example, the participants may agree that a gift may be sent through Adoption Branch for the child's birthday, Easter and Christmas)
- the agreement may not be completed prior to signing consents
- after consents are signed, assist in negotiating and completing the agreement and send a draft schedule A (or letter in an informal agreement) of the specifics of the agreement.

A separate agreement is negotiated between each person with whom openness is being considered and the prospective adoptive parent(s).

Completing an openness agreement

Openness agreements must be completed after consents have been taken from the birth parent(s). To complete an openness agreement for birth parent(s) voluntarily planning adoption under the *Adoption Act*

- place a copy of the agreement on their existing (AS) file(s)
- follow the procedure for completing an openness agreement as described in Practice Standard 12.

PRACTICE STANDARD 14

Planning and Completing Openness Agreements with Prospective Adoptive Parents

When working with prospective adoptive parent(s), prior to adoption placement, you must:

- provide them with information about openness, both at the initial interview stages and during the homestudy process, and
- determine the level of openness they can agree to and accept.

As the worker for the prospective adoptive parent(s), you must assist in the negotiation of an openness agreement with persons with whom openness is being considered.

Openness agreements must be completed:

- prior to placement, wherever possible, for a child in the continuing custody of a director under the *CFCSA*
- after consents have been taken, when birth parent(s) are planning adoption voluntarily under the *Adoption Act*
- in either case, before the adoption order is made.

You must exchange any information, letters, photos or gifts as agreed upon between the participant(s) to the openness agreement, prior to the granting of the order.

If, after a child in continuing custody of a director under the *CFCSA* is placed for adoption and before the adoption order is granted, you receive a request to change the terms agreed to during early discussions of openness or the terms of a completed openness agreement, you must consult with your supervisor/team leader when determining if the change is in the best interests of the child.

Commentary

The purpose of early discussions of openness with prospective adoptive parent(s) is to inform them about openness agreements and to determine their feelings about the level of openness they would be willing to accept.

In negotiating openness agreements, it is important that the interests of all participants are represented fairly and in an unbiased manner and that the role of the person representing the best interests of the child is clearly understood by all participants.

The level of openness should be arrived at by mutual agreement based on a thoughtful and informed decision making process.

While negotiations for an openness agreement may occur before or after an adoption order is granted, this standard pertains to openness agreements entered into before the order is granted. For information on entering into an agreement after the adoption order is granted, refer to the information on post-adoption openness in Chapter 13.

If a request is made to change the terms agreed to in early discussions or within a completed openness agreement, the worker for the adoptive parent(s) has responsibility for determining whether the requested change is in the child's best interests.

Guidelines

For descriptions of the openness options available and the specifics included in openness agreements, refer to General Information About Openness Agreements at the beginning of this chapter.

Providing information about openness

In your discussions with prospective adoptive parent(s) about openness, include the following:

- Openness agreements are made in the best interests of the child.
- Openness agreements are non-legally binding and are made in good faith.
- Options for openness agreements range from full disclosure with contact to the exchange of non-identifying information.
- Openness agreements can be formal or informal.
- The ministry's openness registries are available to facilitate the exchange of non-identifying information.
- The Post-adoption Assistance Program does not cover any costs associated with openness agreements.
- When a child is in the continuing custody of a director under the *CFCSA*
 - the child's need for openness is assessed by the child's worker
 - the ministry attempts to determine if a request for fully disclosed openness with ongoing contact is in the child's best interests based on information available
 - the ministry does not scrutinize persons wishing to enter into an openness agreement with adoptive parent(s) of a child (that is, no criminal record search is undertaken, references sought, etc.) unless the ministry has reason to believe the safety or well being of a child could be at risk as a result of direct contact.
- When birth parent(s) are voluntarily planning adoption under the *Adoption Act* the ministry does not scrutinize persons wishing to enter into an openness agreement with the adoptive parent(s) of a child (that is, no criminal record search is undertaken, references sought, etc.) unless the ministry has reason to believe the safety or well being of a child could be at risk as a result of direct contact.
- If, after the adoption order is made, a request is made to change an agreement that allows the exchange of non-identifying information or supervised contact to one that allows full disclosure and contact or unsupervised contact, the adoptive parent(s) may request that the person consent to a prior contact check and a criminal record search
 - Adoption Branch can be contacted to conduct a prior contact check
 - information from a prior contact check that may be shared is limited to that related to the safety and well-being of the child.
- If, after the adoption order is granted, conflict arises between participants in an openness agreement, a participant may arrange and use community services such as mediation or obtain legal advice to assist in resolving any issues or disputes arising from the agreement:
 - as the involvement of MCF ends when the adoption order is made, it is advisable that those entering into openness agreements consider agreeing to and identifying a possible future mediator, such as a licensed adoption agency or community member
 - if a mediator is not identified at the time the openness agreement is signed, and problems that require mediation later arise, the ministry can help identify a mediator; however, except in exceptional circumstances, the ministry does not arrange or provide mediation services.
- When birth parent(s) are voluntarily planning adoption:

- signing an openness agreement is not connected with the signing of consents to the adoption
- non-compliance of a participant in an openness agreement is not grounds for the court to revoke consent to adoption.
- The ministry does not facilitate compliance with the terms of the agreement.

Determining the level of openness desired

In your openness discussions with prospective adoptive parent(s):

- provide them with “Choosing the Type of Adoption Most Suited to You” found in the *Adoption Homestudy Assessment Guidelines*
- outline their needs and wishes regarding openness within the written family assessment.

When you assist prospective adoptive parent(s) to negotiate an openness agreement:

- when contacted by the adoption worker for a child in continuing custody:
 - assist in negotiating and completing the openness agreement, wherever possible, prior to placing the child and
 - if the agreement is not completed prior to the placement, ensure that the specifics of how the prospective adoptive parent(s) have agreed to meet the child’s needs for ongoing contact are clearly outlined under “Description of Services to be Provided Based upon the Child’s Needs” in the Family and Social Relationships section of the comprehensive plan of care reviewed at the time of the proposal (refer to Practice Standard 27), and prior to completing the adoption, contact the worker for the child to assist in completing the agreement
- if birth parent(s) are voluntarily planning adoption under the *Adoption Act* contact the worker for the birth parent(s), or other individuals requesting openness, during the six month post-placement period to request a draft schedule A (or letter, in an informal agreement) of the specifics of the agreement (if not already received)
- negotiate a separate agreement between each person with whom openness is being considered and the prospective adoptive parent(s)
- consult with the child and consider the child’s views about the specifics of any agreement (refer to Practice Standard 2)
- after receiving the draft Schedule A or letter, discuss the specific openness requests with the prospective adoptive parent(s) to ensure that all individuals agree with the terms of the agreement before it is signed.

For information about the range of openness options and the specifics of an agreement, refer to General Information About Openness Agreements at the beginning of this chapter.

When you receive a request for a change to the terms of an agreement

Once the child has been placed for adoption, the adoption worker for the prospective adoptive parent(s) takes on guardianship responsibilities for the child until the adoption order is granted.

To determine if a requested change to the terms agreed to in the early discussions or in the completed openness agreement is in the best interests of a child in continuing custody of a director under the *CFCSA*

- review the Family and Social Relationships section of the child’s comprehensive plan of care to determine the child’s need for ongoing contact
- consult with your supervisor/team leader when determining if the change is in the best interests of child and if an independent assessment should be considered.

Assistance in negotiating changes to openness agreements can only be provided prior to the granting of the adoption order. If, after the adoption order is granted, issues arise that require mediation, participants should be referred to community services such as a licensed adoption agency, or community member. The ministry can help identify a mediator; however, except in exceptional circumstances, the ministry does not arrange or provide mediation services

Completing an openness agreement

Openness agreements must be completed:

- prior to placement, wherever possible, for a child in the continuing custody of a director under the *CFCSA*
- after consents have been taken, when birth parent(s) are planning adoption voluntarily under the *Adoption Act*
- in either case, before the adoption order is made.

To complete an openness agreement for prospective adoptive parent(s):

- after determining that the birth parent(s) or other individual requesting openness with the child and the prospective adoptive parent(s) are in agreement about the specifics of the agreement, complete an Openness Agreement (CF0118) and Openness Agreement, Schedule A (CF0118A), or letter, in the case of an informal agreement, setting out the terms of the agreement:
 - use the name by which the child is known to the prospective adoptive parent(s)
 - obtain the signature of the prospective adoptive parent(s) on the agreement
 - in an informal agreement, include in the letter statements that an openness agreement has been entered into in good faith, with the participants relying on each other to comply, but that it cannot be enforced under the *Adoption Act*
- inform the individuals that any changes to an openness agreement can be negotiated through the ministry prior to the granting of the adoption order
- forward a copy of the signed Openness Agreement (CF0118) and Openness Agreement, Schedule A (CF0118A), or letter, in an informal agreement, to the prospective adoptive parent(s)
- place a copy of the agreement, or letter in an informal agreement, on the prospective adoptive parent(s)' (AH) file
- exchange any letters, gifts and other things, as agreed upon, prior to the granting of the order.

PRACTICE STANDARD 15

Initiating the Exchange of Information through the Openness Exchange Registry

If persons who have entered into an openness agreement request access to the services of the Openness Exchange Registry, you must register the openness agreement as soon as possible following the granting of an adoption order.

Commentary

The Openness Exchange Registry is a service offered through Adoption Branch. It facilitates the exchange of non-identifying information between persons involved in an openness agreement after the order is granted. Where an agreement has been made to share identifying information, they may choose to register their agreement on the Openness Exchange Registry. In the event that the individuals lose contact with one another, the registry will exchange information for them if the registry has been notified of current addresses.

An openness agreement does not exist until signed by both participants to the agreement. If an agreement is not completed and signed prior to the granting of the adoption order, the individuals requesting openness will be offered the services of the Post-adoption Openness Registry (refer to Chapter 13).

Guidelines

Providing information about the Openness Exchange Registry

In helping those involved in openness agreements come to a decision about registering the agreement, after the order is granted, discuss the following with them:

- Participants in either formal or informal non-identifying openness agreements may choose to have their agreement registered on the Openness Exchange Registry in order to facilitate the exchange of non-identifying information between them.
- Participants in either formal or informal fully disclosed openness agreements may also choose to have their agreement registered with the registry. In the event they lose contact with one another:
 - the registry will exchange non-identifying information for them, if they have notified the registry of current addresses
 - the registry will not search for either of the participants.
- Changes to the agreement cannot be made once the adoption order is made except through the mediator identified on the agreement or through a mediator agreed to by the participants.
- The ministry's involvement ends after the adoption order is granted; ministry workers do not provide mediation for openness agreements after this point.

To register an agreement on the Openness Exchange Registry

1. Complete an Openness Agreement Procedures for Exchange of Information (CF0118C), informing the participants to the agreement that the order has been granted and outlining the procedures for the exchange of information to take place through the registry.
2. Review the Openness Agreement Procedures for Exchange of Information (CF0118C) with the participant to the openness agreement:

- give them the original
 - place a copy on their (AS) or (AH) file.
3. Complete the Openness Agreement Registration for Exchange of Information (MCF0118B), including section A or section B, applicable to the participant to the openness agreement you are representing, and place a copy on the (AH) file.
 4. Forward the following to the Openness Exchange Registry:
 - a copy of the Openness Agreement (CF0118) and Openness Agreement, Schedule A (CF0118A) in a formal agreement, or a letter setting out the final terms in an informal agreement
 - the completed Openness Agreement Registration for Exchange of Information (CF0118B).
 5. Close the (AS) or (AH) file when all openness procedures and required notifications are completed (refer to Practice Standard 64).

If the adoptive parent(s) wish to change the level of openness

If after the adoption order is granted, the adoptive parent(s) wish to change from non-identifying openness to fully disclosed openness with direct contact, they may request that the individual with whom they have an openness agreement consent to a criminal record search and a prior contact check.

- Adoption Branch can be contacted to conduct a prior contact check.
- Information from a prior contact check that may be shared is limited to that related to the safety and well being of the child.

CHAPTER 3:

Adoption Planning for the Child: Pre-placement and Placement

When you are planning adoption for a child, you are assisting in the creation of a lifelong plan for that child. You are also carrying out guardianship duties and responsibilities for children who are either in the continuing custody of a director under the *CFCSA*, or who are in the care, custody or guardianship of the Director of Adoption under the *Adoption Act*. All of these children enjoy the rights of children in care as defined in section 70 of the *CFCSA*.

In some regions of the province these duties are carried out by family service or guardianship workers, in other regions by workers providing adoption services. Regardless of who is responsible for providing these services for children, the standards in this chapter apply to all aspects of the adoption planning process for ministry arranged adoptions. Standards concerning adoptions not arranged by the ministry are covered in Chapters 11 and 12.

Planning for a child's adoption is always done in the child's best interests and requires sensitivity to grief and loss, including an awareness of how separation, loss and attachment affect the child at different ages and stages.

PRACTICE STANDARD 16

Implementing an Adoption Plan for the Child or Requesting an Exception to Registration for Adoption

When you assume responsibility for implementing an adoption plan for a child, you must:

- ensure that the child is legally available for adoption
- consult with the child and consider the child's views about permanency, including adoption
- ensure that all the child's required documents are current and on the child's file
- review the child's file in order to understand the child's history and to determine:
 - the child's current and future needs
 - whether the child is Aboriginal
 - whether an access order exists
 - whether the child has siblings
 - the child's need to maintain family ties and significant relationships through openness agreements including what involvement, if any, there should be with birth relatives of a child in continuing custody
- review the child's comprehensive plan of care.

If you determine that having adoption as the plan of care is not in the best interests of a child in continuing custody who is under 12 years of age, you must:

- document the reasons on the child's file and develop an alternative plan which meets the child's best interests
- obtain an exception to adoption registration from your regional manager responsible for adoption
- review the exception to registration at each review of the child's comprehensive plan of care
- review the exception to registration with your regional manager responsible for adoption each year when reviewing the child's comprehensive plan of care or if the child's circumstances change, and
- register the child for adoption when the circumstances that led to the child's exception change significantly.

Commentary

This standard follows from Guardianship Practice Standard 28: Planning for the Child in Continuing Custody. In addition, it describes your responsibility under the *Adoption Act* and the *CFCSA* to assist in adoption planning for children whose birth parent(s) have voluntarily requested adoption placement, and for those children whose care, custody and guardianship have been transferred to the Director of Adoption by an adoption agency licensed in British Columbia.

It is important to be fully aware of the scope of your authority, duties and responsibilities in relation to the law and practice of adoption and guardianship.

Your first responsibility is to have a thorough understanding of the child's needs by becoming familiar with the child's unique situation and personal history. It is also important that you understand the extent to which the child's parent(s) or other family members wish to remain involved with the child after the adoption placement occurs, and after the adoption order is granted, whether through openness agreements or court ordered access. Section 3 of the

Adoption Act requires that when determining the child's best interests you consider the importance to the child's development of having a positive relationship with a parent and a secure place as a member of a family. The Child Welfare League of America (CWLA) *Standards of Excellence for Adoption Services (2006)* states that adoption should be considered as the first alternative for all children who are permanently deprived of care by their parents, because adoption provides the strongest legal guarantee of permanence for the child. The CWLA also states that the immediate availability or unavailability of an adoptive family for a child should not determine whether adoption is a suitable plan for that child.

When implementing the child's plan for adoption, it is important to consider the effect on the child if there is a delay in making a decision, and to avoid unnecessary delays by complying with time frames set out in legislation and practice standards (refer to Practice Standard 1).

The review of the child's comprehensive plan of care (as required in Guardianship Practice Standards 22 and 28) is a good time to review the goals and plans for a child's permanency. In addition, an exception to having adoption as the plan of care for a child is reviewed by the regional manager responsible for adoption annually when reviewing the child's comprehensive plan of care, or when the child's circumstances change.

Guidelines

A child is legally available for adoption when:

- the birth parent(s) request placement and have signed adoption consents transferring guardianship to the Director of Adoption
- the birth parent(s) request placement and sign a Birth Parent Pre-placement Agreement transferring care and custody to the Director of Adoption (refer to Practice Standard 33) and prospective adoptive parent(s) are aware of and accept the legal risk that the birth parent(s) can re-take care and custody any time before consents are signed
- a child is in the continuing custody of a director under the *CFCSA* or under the guardianship of a director pursuant to section 29 of the *Family Relations Act* and the permanent plan for the child is adoption, or
- the administrator of a licensed *B.C.* adoption agency transfers the care, custody and guardianship of the child to the Director of Adoption.

Reviewing the child's file

Review the child's file to ensure it contains complete and current versions of all required documents, and consult with those who know the child to develop an understanding of the child's family history and the child's current and future needs.

If the child is in the continuing custody of a director under the *CFCSA*, check whether the child's file is current and contains all necessary documents and information that will allow you to proceed with the adoption process. These include but are not limited to:

- a certified copy of the continuing custody order
- copies of any access orders, notification of hearings regarding access, or court documents cancelling access orders
- the child's:
 - birth certificate
 - family history
 - placement history

- current Looking After Children Assessment and Action Record, which includes the current comprehensive plan of care, or Condensed Assessment and Comprehensive Plan of Care
- medical history (including immunization records) and relevant family medical history
- school records

In addition:

- determine whether the child has a claim under the *Criminal Injury Compensation Act*
- if the child is under the guardianship of a director pursuant to section 29 of the *Family Relations Act* determine whether there is a living birth parent of the child, and if so:
 - make reasonable efforts to notify the person of the adoption plan and where possible and appropriate involve him or her in planning for the child (refer to Practice Standard 8 for direction on making reasonable efforts)
 - the person's consent to adoption is not required
- determine whether the child has Canadian citizenship (it is usual practice for the child's guardianship/family service worker to apply for citizenship when the child comes into continuing custody) and if the child is not a Canadian citizen:
 - give strong consideration and preference to applying for Canadian citizenship for the child, taking into account any reasons not to do so, including the child's views, the child's best interests (would the child lose benefits of citizenship in the other country) and any other potential consequence to the child of Canadian citizenship
 - if questions remain about whether to apply for citizenship for the child, consult with your supervisor/team leader

Review the child's comprehensive plan of care and consider the child's age and needs with regard to placement, health, education, identity, race, culture, religion, family and social relationships, emotional and behavioural development and self-care skills.

If the child's birth parent(s) are voluntarily placing the child for adoption under the *Adoption Act*, gather as much information as possible directly from the child's birth parent(s), extended family, caregivers and medical professionals (refer to Practice Standards 22 and 23).

Whenever possible and appropriate, contact the child's birth parent(s), previous worker, caregiver and others who have had a significant involvement with the child, to enhance your understanding of the child's situation and special service and placement needs.

To determine whether a child is Aboriginal

Section 1 of the *Adoption Act* defines the term "Aboriginal child" as a child:

- who is registered or eligible to be registered under the *Indian Act* (Canada)
- who has a biological parent who is registered under the *Indian Act* (Canada)
- who is a Nisga'a child (a Nisga'a child is a minor who is eligible to become a Nisga'a citizen as determined by Nisga'a Law – refer to Contact Information in the Appendix for an internet link to the Nisga'a Lisims Government Web Page and the Nisga'a Final Agreement)
- who is under 12 years of age and has a biological parent who is of Aboriginal ancestry and who considers himself or herself to be Aboriginal, or
- who is 12 years of age or over, of Aboriginal ancestry and considers himself or herself to be Aboriginal.

You can determine whether a child is Aboriginal by:

- consulting the child's and family's files
- asking the child
- asking the child's parent(s)

- asking someone who knows the child
- consulting an Aboriginal organization that may have knowledge of the child (refer to Schedules 1 and 2 of the *Adoption Regulation* located on the MCF Aboriginal Child and Family Services web page on the MCF web site [refer to Contact Information in the Appendix] to determine the designated representatives of Indian Bands, Aboriginal communities or the Nisga'a Lisims Government), and/or
- sending a request to the Indian Registration and Band List Program at the Department of Indian and Northern Affairs Canada (refer to Contact Information in the Appendix) to determine if a birth parent or child who is in the continuing custody of a director under the *CFCSA* is eligible for status under the *Indian Act* Include:
 - a written request
 - the full name and any other name the child or birth parent is known by
 - a copy of the continuing custody order or most recent interim order (must have file number, entered stamp and signature of a judge)
 - Registration of Live Birth to provide parental information (if available)
 - Band affiliation (if available).

When determining whether a child under 12 years of age is Aboriginal, consideration is given to either of the child's biological parent(s)' Aboriginal ancestry and whether or not the biological parent identifies himself or herself as Aboriginal. Percentage of Aboriginal ancestry is not a factor in determining whether the child or the parent is Aboriginal. If questions remain, consult with Aboriginal Services, Child Protection Division.

If a child has an affiliation with more than one Band and/or Aboriginal community, consult with Aboriginal Services, Child Protection Division.

To determine whether an access order exists or access has occurred without an access order (de facto access)

- review all legal documents on the file to determine if an access order was granted to the child under the *CFCSA* (this includes any order for access at the discretion of the director), the *Family Relations Act* or the *Divorce Act* including:
 - the continuing custody order
 - any other court orders, and
 - if the order is unclear, the reasons for judgement, if they are written and available
- ask birth parent(s) or relatives, if they are involved, if there is an order or agreed to access
- determine if access has occurred without a court order (de facto access) by:
 - consulting with the child's guardianship/family service worker
 - reviewing the file for any case notes indicating access has been allowed.

If there is de facto access

- determine if access to the child should continue or terminate
- if you determine that access is to terminate, advise the person with access in writing that access is being terminated because the child is being placed for adoption
- if you determine that contact with the child is to continue
 - refer to Chapter 2 for assistance in early discussions of openness
 - advise any person who may have concerns or hesitations about the possibility of a reduced level of contact to obtain independent advice.

If there is an access order

When access to the child has been granted by order, as early as possible during the planning process:

- determine whether it is in the child's best interests to continue, vary, or terminate the order, and
- refer to Practice Standard 20.

To determine whether a child has siblings

- search the electronic system
- review the family service file and the child's file with the previous guardianship/family service worker
- gather from birth family members or caregiver(s) any available information about the sibling's name, gender and birth date, and
- request that Adoption Branch search to locate any siblings previously placed for adoption, so that you may consider the sibling's adoptive family as prospective adoptive parent(s) (refer to Practice Standard 21).

Refer to Practice Standard 21 for information about planning for a child who has siblings.

To determine whether to initiate contact with the birth family

When birth family are not currently involved with a child in the continuing custody of a director under the *CFCSA* you may wish to initiate contact with them:

- when considering whether an openness agreement is in the best interests of the child (refer to Practice Standard 12)
- to obtain the child's birth family's medical and social history (refer to Practice Standard 23), or
- when selecting adoptive parent(s) for the child.

To determine if it is in the child's best interests to initiate contact with the birth family of a child in the continuing custody of a director under the *CFCSA*

- review the family service file and the child's file with the previous guardianship/family service workers
- discuss, wherever possible, with previous workers and with the child's caregiver whether contact with the birth parent(s)
 - is in the child's best interests (refer to Practice Standard 1), and
 - would pose any legal risks to the adoption plan.

Involving the birth family of a child in continuing custody

When you have determined that you will involve the birth family of a child in the continuing custody of a director under the *CFCSA*

- inform the birth family that it is your decision whether their involvement in the adoption process is in the child's best interests
- provide information about the adoption process
- request their assistance in completing the child's birth family's medical and social history (refer to Practice Standard 23)
- initiate a discussion about openness only after you have determined that openness is in the child's best interests (refer to Practice Standard 12)
- consider if it is the child's best interests to involve them in choosing an adoption placement for the child
- if the child is Aboriginal, discuss with the birth parent(s) the importance to the child of maintaining cultural ties as outlined in Practice Standard 18.

Reviewing the child's comprehensive plan of care

A review of the child's comprehensive plan of care is required by Guardianship Practice Standard 22 when adoption becomes the plan, and includes, where applicable:

- obtaining the child's views about adoption
- taking action to prepare the child for adoption
- taking action to collect information and documentation in preparation for the adoption
- making reasonable efforts to secure an adoption placement (refer to Practice Standard 17)
- exploring all possible placement options to be considered (refer to Practice Standard 17), and
- assessing whether there are any barriers to the adoption plan and setting new objectives to overcome those barriers.

A review of the child's comprehensive plan of care is required at least every 6 months and when there is a change in the overall goal.

A review of the child's comprehensive plan of care is also required at the time of an adoption proposal (refer to Practice Standard 27) unless the birth parent(s) are placing the child under the *Adoption Act* and the child has no special service needs. The purpose of the review is to:

- provide as much information as possible to prospective adoptive parent(s) and their adoption worker about the child's specific needs, and
- to ensure that prospective adoptive parent(s) have considered all available resources to meet the child's specific needs.

For more information on reviewing the comprehensive plan of care, refer to Guardianship Practice Standard 22.

To determine if an exception to having adoption as the child's plan of care is in the child's best interests

- consult with the child and consider the child's views (refer to Practice Standard 2)
- consult with others who know the child, including related professionals and caregivers
- involve your supervisor/team leader and weigh all relevant factors to determine if adoption planning is not in the child's best interests (refer to Practice Standard 1)
- if there is any dispute, consider a specialized independent consultation and assessment, and
- apply to your regional manager responsible for adoption for an exception to adoption registration.

Obtaining an exception to having adoption as the child's plan of care

Your regional manager responsible for adoption may authorize an exception:

- if the child is Aboriginal and the overall goal identified in the comprehensive plan of care is a permanent placement with an extended family member within the child's Aboriginal community or within another Aboriginal community
- if a health care provider has completed an assessment which includes a diagnosis that the child's physical or emotional health is unstable
- if repeated attempts to secure a suitable adoptive home for the child have been unsuccessful and it has been determined, through a comprehensive plan of care review, that continued attempts would have a negative impact on the child, or
- if after considering the child's views, it has been determined through a comprehensive plan of care review, that adoption is not an appropriate goal for the child at this time.

PRACTICE STANDARD 17

Registering the Child for Adoption and Making Efforts to Secure an Adoption Placement

When adoption is the plan of care for a child, you must register the child for adoption with Adoption Branch:

- as soon as possible and within 3 months of the child becoming legally available for adoption, if the child is in continuing custody
- as soon as possible after an adoption plan is made when the birth parent(s) are voluntarily planning adoption under the *Adoption Act* even if the child is not yet born (refer to Practice Standard 31).

You must actively and in a timely manner make efforts to secure an adoption placement for a child consistent with the child's comprehensive plan of care and in the child's best interests.

In addition, if the child is Aboriginal, refer to Practice Standard 18.

When you are unable to secure an adoption placement, you must make additional recruitment efforts:

- through the Adoption Bulletin
- through general recruitment in your region
- through child-specific recruitment methods, which may include the use of media, or contact with licensed B.C. adoption agencies, adoption support groups or Aboriginal agencies to promote the adoption of a specific child.

When making recruitment efforts, you must not release a photograph or identifying information about the child to the general public.

When using the media for general or child-specific recruitment, you must request that Adoption Branch obtain the approval of Communications Branch.

If no prospective adoptive parent(s) have been found after a child has been featured in the Adoption Bulletin for 6 months, review all adoption planning options and planning efforts to achieve permanence for the child with your supervisor/team leader.

Commentary

Adoption Act
s. 3(1)(h)

The purpose of the *Adoption Act* is to provide new and permanent family ties through adoption. Timely adoption planning is supported by the *Adoption Act* which states that the effect on the child of a delay in making a decision must be considered when determining the child's best interests.

Chapter 4: Adoption Planning with Birth Parents outlines the role in decision making of birth parent(s) who are voluntarily planning for adoption under the *Adoption Act*. Practice Standard 31 describes the special considerations to be made when birth parent(s) of an Aboriginal child are voluntarily planning adoption.

Adoption Reg.
s. 10.1

The *Adoption Regulation* now permits adoption workers to use print and electronic media to promote the adoption of children in care.

Only non-identifying information about a child in care may be published in any media. A photo of the child may be published only in the Adoption Bulletin (distributed in print and on MCF Connect - Intranet). Photos of children in care may not be published in any other media.

When promoting the adoption of a child in care within the child's community, special care is required to protect the child's identity. Identifying information or photographs of the child are not included in the promotional material.

Delegated adoption workers and workers in licensed B.C. adoption agencies may share information and photographs of children in care featured in the Bulletin with approved prospective adoptive parents. In addition, the Bulletin may be shared with prospective adoptive parents in the application process; however photographs are not shared with prospective adoptive parents in the application process if they reside in the same area as the child. A profile of a child that includes a photograph of the child may be viewed by prospective adoptive parents, but may not be photocopied or printed.

A non-identifying profile of a child in care may be published in local newspapers after Adoption Branch obtains the approval of Communications Branch.

Guidelines

Prior to registering a child for adoption

- complete the requirements of Practice Standard 16
- in order to provide prospective adoptive parent(s) with full information on the child, wherever possible:
 - collect the child's medical, social and placement history (refer to Practice Standard 22)
 - collect the birth family's medical and social history (refer to Practice Standard 23).

Steps in registering a child for adoption

1. Complete the Registration of Child for Adoption (CF2135) and send it to Adoption Branch (no other documents need to be sent to Adoption Branch at this time).
2. If it is expected that the child will be placed with caregiver(s) or with prospective adoptive parent(s) who are being studied specifically for that child, attach their application and questionnaire to the Registration of Child for Adoption (if this is not possible, include a memo identifying the prospective adoptive parent(s) and linking them to the child).
3. Discuss with Adoption Branch
 - the availability of approved prospective adoptive parent(s) to meet the needs of the child
 - if you are requesting to receive written family assessments at this time
 - if the child is Aboriginal, approval is obtained from the Exceptions Committee (refer to Practice Standard 19) prior to reviewing written family assessments of non-Aboriginal families.

Securing an adoption placement

When making reasonable and timely efforts to secure the permanence of an adoption placement for a child, consult with the child and consider the child's views about adoption placement options and give special consideration to the following:

- explore a placement with the child's siblings
 - attempt to place them in the same adoptive home wherever possible, and
 - if the sibling or half-sibling was previously placed for adoption, attempt to place the child in the same adoptive home (refer to Practice Standard 21)
- identify adult members of the child's extended family
- to determine if there are relatives who may have an interest in adopting the child
 - consider developing a genogram (refer to the *Adoption Homestudy Assessment Guidelines*)

- review the child's file
- consult with the child or family's former workers
- ask those who have a relationship with the child
- when a child has significant ties to or a relationship with a caregiver or other individual, carefully consider that person as a potential adoptive parent
- undertake a search for persons with a significant relationship or contact with the child by:
 - reviewing the child's file and listing all individuals with a significant relationship or contact with the child
 - talking with the child, the child's birth family, and the child's caregivers and asking each of them who has been, or is important in the child's life, and
 - convening a family meeting or planning meeting to discuss persons with a significant relationship or contact with the child
- before contacting the child's birth family, refer to Practice Standard 16

If any prospective adoptive parent(s) you approached express an interest in the adoption plan for the child:

- consult with the child and consider the child's views of the adoption plan (refer to Practice Standard 2)
- advise prospective adoptive parent(s) who have not completed the approved homestudy process:
 - how to apply to a ministry office in their region to adopt the child
 - that completion of the homestudy process and approval is not a guarantee of an adoption placement
 - of the possibility that their written family assessment will be viewed with those of other prospective adoptive parent(s)
- provide the prospective adoptive parent(s) with information on the Post-adoption Assistance Program (refer to Chapter 7)
- if a family is to be studied for a specific child, ensure that the prospective adoptive parent(s) receive all information about the child that they need to know in order to make an informed decision about adopting the child:
 - use caution that no third party information is shared, and
 - maintain confidentiality if the parties do not know one another (refer to Practice Standard 7)
- ensure that the prospective adoptive parent(s) undergo the homestudy process (refer to Practice Standard 44)
- if prospective adoptive parent(s) live outside B.C., refer to Practice Standard 65, and
- wait for the homestudy process to be completed before proceeding to review written family assessments of others who have applied to adopt.

Considering other approved prospective adoptive parent(s):

Contact Adoption Branch to obtain written family assessments of other approved prospective adoptive parent(s) who meet the needs of the child and as a priority consider those

- of the same race or cultural heritage as the child's, and/or
- who will preserve the child's cultural, racial, linguistic and religious heritage.

To recruit a family for a specific child by featuring him or her in the Adoption

Bulletin:

- obtain guidelines from Adoption Branch regarding the specific requirements for the photograph and information about the child
- fully inform the child about the implications of being featured in the Adoption Bulletin

- consult with the child according to his or her capabilities and consider the child's views about being featured in the Adoption Bulletin (refer to Practice Standard 2)
- send a professional photo and written information about the child to Adoption Branch, who will prepare a written profile of the child
- when a professional photo and written profile of the child is approved for the Adoption Bulletin, the child will automatically be featured on the electronic Bulletin on MCF Connect (Intranet)
- you may share the information from the Bulletin, including the child's photograph, with approved prospective adoptive parents
- use extra caution when sharing information with prospective adoptive parents about a child who resides locally to ensure that the child's identity is not revealed
- you may share information from the Bulletin with prospective adoptive parents in the application process; however, if they reside in the same area as the child, remove the child's photograph
- a profile of a child that includes a photograph of the child may be viewed by prospective adoptive parents, but may not be photocopied or printed
- the child will be featured in the Adoption Bulletin for up to one year
- after the child has been featured in the Adoption Bulletin for 6 months, if no prospective adoptive parent(s) have been found, review all adoption planning options and planning efforts to achieve permanence for the child with your supervisor/team leader
- if you decide to request further recruitment through the Adoption Bulletin beyond the one year period, submit updated information and a new professional photograph of the child.

To recruit prospective adoptive parent(s) through the media:

- obtain prior approval of your regional manager responsible for adoption for any general recruitment within your region
- request a recruitment package from Adoption Branch
- for general media recruitment, consult with Adoption Branch, who will obtain approval from Communications Branch
- if you wish to publish the non-identifying profile of the child in your local newspaper, send a request to Adoption Branch who will obtain the approval of Communications Branch (NOTE: neither identifying information nor a photograph of any child in care may be published in public print or electronic media)
- to feature a child on the ministry's public adoption web site, contact Adoption Branch to request the non-identifying written profile of the child (the child's photograph will not be featured on this site).

NOTE: Extra caution is required when promoting a child locally. If the decision is to promote the child locally, either through print media or through a community or Aboriginal agency, carefully review the non-identifying information to ensure that those who know the child will not be able to identify the child.

Additional recruitment methods

In addition to the methods described above, consider:

- networking with licensed B.C. adoption agencies, community adoption support groups or Aboriginal agencies whose staff and clients might include adoptive parents
- actively involving foster parents and adoptive parents in recruiting similar families.

For a list of support groups that may be helpful in your recruiting efforts, refer to the Appendix.

PRACTICE STANDARD 18

Planning for the Adoption of an Aboriginal Child in Continuing Custody

When you are planning adoption for an Aboriginal child who is in continuing custody, in addition to the requirements of Practice Standard 12, and the standards in this chapter and chapter 5, you must:

- consult with the child and consider the child's views
- provide the child with information about:
 - the value of involving the child's or birth parent(s)' Band or the Aboriginal community with which the child or parent(s) identify
 - available Aboriginal support services and, if possible and appropriate, link the child with those services
- unless the child 12 years of age or older objects, make reasonable efforts, early in the adoption planning process, to contact in person the designated representative of the child's Band, Aboriginal community, or the Nisga'a Lisims Government, as appropriate, and involve the representative:
 - in discussions about the child's permanence, which may include adoption
 - in identifying possible prospective adoptive parents
- early in the adoption planning process:
 - ensure that the child who is entitled is registered under the *Indian Act*
 - ensure the child who is eligible is registered for membership within his or her Band, or
 - ensure that application is made to register with the Nisga'a Lisims Government a child entitled to citizenship under the Nisga'a Lisims Government.

When making placement decisions concerning an Aboriginal child in continuing custody, you must:

- obtain the approval of your supervisor/team leader
- consider placement options in the following order of priority:
 - members of the child's extended family
 - other members of the child's Aboriginal community who are living either inside or outside of the community
 - approved Aboriginal homes outside of the child's Aboriginal community that have a plan to preserve the child's unique cultural identity
 - after obtaining an exception from the Exceptions Committee, approved non-Aboriginal homes that have a plan to preserve the child's unique cultural identity
- weigh all relevant factors as outlined in section 3 of the *Adoption Act* to determine the placement that is in the best interests of the child, and
- when there is more than one plan which may meet the child's needs, and there is a disagreement about which plan best meets the child's needs, involve your regional manager responsible for adoption in the decision-making process.

Commentary

There is a legal imperative in both the *CFCSA* and the *Adoption Act* to respect and preserve an Aboriginal child's cultural identity and ties to his or her family, Aboriginal community and heritage. When you assume responsibility for developing and implementing an adoption plan

for a child, one of your first tasks is to determine whether the child is Aboriginal (refer to Practice Standard 16).

CFCSA
s. 71(3)

This standard reinforces the importance of involving an Aboriginal child's cultural community in all aspects of adoption planning as outlined in the *CFCSA* and the *Adoption Act*. As described in Guardianship Practice Standard 9, involving the child's Aboriginal community includes developing a plan to preserve the child's cultural identity. This plan is part of the child's comprehensive plan of care. The *Adoption Act* requires that you consider the importance of preserving an Aboriginal child's cultural identity when determining the child's best interests.

Adoption Act
s. 3(2)

Adoption Act
s. 7

The *Adoption Act* also requires that before placing an Aboriginal child for adoption, reasonable efforts are made to discuss a plan for the child's permanence, which may include an adoption plan, with a designated representative of:

- the Indian Band with which the child is registered or entitled to be registered
- if the child is not registered or entitled to be registered with an Indian Band, the Aboriginal community identified by the child 12 years of age or older or by the child's birth parent(s) if the child is under 12 years of age, or
- the Nisga'a Lisims Government, if the child is a Nisga'a child.

This requirement does not apply if the child 12 years of age or older objects to the discussion taking place.

These requirements reflect both the importance of preserving the child's cultural identity and the fundamental role of the child's Band or Aboriginal community in preserving the child's connection with his or her ancestry. (Discussions about permanency may already have been initiated by the child's protection and guardianship workers in accordance with requirements of the Practice Standards for Child Protection and Practice Standards for Guardianship.)

Schedules 1 and 2 and section 5 of the *Adoption Regulations* identify the designated representatives of the child's Band or Aboriginal community.

The *Nisga'a Final Agreement* requires the Director of Child Protection, when guardian of a Nisga'a child, to provide notice to the Nisga'a Lisims Government of any plan for the child's care that could result in an application to adopt the Nisga'a child. It also requires the Director of Child Protection to consent to the application of Nisga'a Law, when enacted, to the adoption of that child, unless it is determined under provincial law that there are good reasons to believe it is in the child's best interests to withhold consent. To contact the Nisga'a Lisims Government, refer to Contact Information in the Appendix.

The Aboriginal child who is 12 years or over has, under the *Adoption Act* a significant voice in the adoption plan and in decisions about their adoption placement. Under the *Act* the child 12 years of age or older has the right to object to discussions with their Band or Aboriginal community and must consent to the adoption (refer to Practice Standard 39).

Adoption Act
s. 37 (7)

The *Adoption Act* recognizes that a child may be entitled to certain rights because of his or her Aboriginal heritage, and states that an adoption order does not affect any Aboriginal rights the child has.

Adoption Act
s. 62(1), (2)

The name and location of the child's Indian Band, Aboriginal community or Nisga'a Lisims Government may be disclosed to the Aboriginal child's prospective adoptive parent(s) during the planning process or to the adoptive parent(s) when information is requested after the adoption order has been granted. Similarly, identifying information about an Aboriginal child or a Nisga'a child [with the written consent of the adoptive parent(s) after the adoption order is granted] may be disclosed to the child's Indian Band, Aboriginal community or Nisga'a Lisims Government so the child may be contacted. For instructions on disclosing information after the adoption order has been granted, refer to Chapter 13.

If one or both of the birth parents voluntarily planning adoption under the *Adoption Act* are of Aboriginal ancestry, refer to Practice Standard 31. Under the *Adoption Act* the birth parent(s) have the right to make decisions about the child's adoption placement.

For information on the custom adoption of a child in continuing custody, refer to Practice Standard 4.

Guidelines

When assisting the child in making an informed decision

- refer to Practice Standard 2 for information on how to consult with the child and consider the child's views
- determine if there is someone the child feels comfortable with who is Aboriginal, and who could connect with the child in a meaningful way, to have an initial discussion about the importance of preserving his or her Aboriginal cultural identity and connection with his or her Aboriginal ancestry and heritage
- ensure the child is comfortable and speak with the child privately to
 - consult with the child and consider the child's views about the importance of preserving his or her Aboriginal cultural identity, including how it affects and contributes to his or her sense of identity and feelings of belonging
 - inform the child of the benefits of involving his or her Band or Aboriginal community in the adoption plan
 - ask the child 12 years of age or older whether he or she objects to the Band's or Aboriginal community's participation in discussions about the adoption placement
- if the child 12 years of age or older objects to discussions with the Band or Aboriginal community, respect this decision and record the reasons on the child's file.

When involving the child's or birth parent(s)' Band or Aboriginal community or the Nisga'a Lisims Government

- ask your supervisor/team leader and/or your Aboriginal Services Manager if there are any local protocols or agreements with Aboriginal agencies or communities with whom the child may have a cultural connection
- obtain the name, address and phone number of the designated representative of the Band or Aboriginal community and any organization with which the Aboriginal community has entered into an agreement for the provision of child and family services (To determine the designated representatives of an Indian Band, Aboriginal Community or the Nisga'a Lisims Government, refer to section 5 and Schedules 1 and 2 of the *Adoption Regulation* and updated information on the MCF web site's Aboriginal Child and Family Services web page [refer to Contact Information in the Appendix])
- if the Band or Aboriginal community has an identified relationship with an Aboriginal child and family service agency, involve the agency and copy them on all correspondence
- make and document reasonable efforts to contact the designated representative and involve the representative in discussions about adoption planning for the child (see below)
- to establish with the designated representative a process for discussions about available options to achieve permanency for the child, including an adoption placement, you may:
 - invite members of the child's community to a planning meeting
 - involve members of the child's community in a conference call

- provide information to members of the child's community about openness in adoption (refer to Practice Standard 12), and Post-adoption Assistance (refer to Chapter 7)
- proceed as expeditiously as possible in discussing the options to achieve the best timely permanency for the child, including a discussion about adoption, as a delay may have adverse effects on the child; however, allow the child's Band or Aboriginal community adequate time to express their views about the adoption plan.

Making reasonable efforts

When planning for the adoption of an Aboriginal child, reasonable efforts to involve the designated representative of the Band or Aboriginal community or Nisga'a Lisims Government include:

- making contact in person to establish relationships and discuss with the community any possible permanency placement options they may be able to offer for the child:
 - wherever possible by travelling to the community, or
 - by telephone, or
 - by fax, if the Band or Aboriginal community has previously agreed to be notified and contacted in this manner and has provided a number for the purpose, or
- if there is no response to initial attempts to establish contact, sending a registered letter and requesting confirmation of delivery from Canada Post with a copy to the Chief and Council, asking what is the best way to establish contact
- once contact has been established, arranging a discussion (whenever possible, explore travel costs and seek authorization to visit the community).

Developing a plan for the child with the designated representative

Involving the child's Band or Aboriginal community or the Nisga'a Lisims Government includes developing a plan with the designated representative that sets out:

- the steps that will be taken to ensure participation of the Band, Aboriginal community or Nisga'a Lisims Government in the development and implementation of the child's adoption plan
- the identification and involvement of someone from the child's Band, Aboriginal community or cultural group to be the child's cultural contact or mentor
- ways in which the child's participation in culturally specific activities, including traditional customs and cultural activities that are unique to the community, will be ensured, and
- the steps that will be taken to facilitate the child's involvement in the Band or Aboriginal community's oral history (including story telling), language, songs, dances, ceremonial activities, arts and crafts, or sports events and activities.

If you have made reasonable efforts

- If you have made reasonable efforts to contact the child's Band or community and involve them in planning and after a reasonable amount of time has passed you still have received no response:
 - consult with your supervisor/team leader
 - consider providing in writing a deadline for a response, and
 - send a copy to the chief or leader of the Aboriginal community (contact information is available on the MCF web site's Aboriginal Child and Family Services web page).
- If you continue to receive no response or if the child's Band or Aboriginal community is not in agreement with the adoption plan:
 - consult with your supervisor/team leader and your regional manager responsible for adoption

- consider requesting guidance from Aboriginal Services, Child Protection Division
- begin reviewing approved Aboriginal homes from other Aboriginal communities, and
- when there are no approved Aboriginal homes that meet the child's needs, begin the process of applying for approval to place the child in a non-Aboriginal home (refer to Practice Standard 19).

If the designated representative suggests a permanent home other than an adoption placement:

- consider all relevant factors when determining if the plan is in the child's best interests (refer to Practice Standard 1)
- consult with your supervisor/team leader
- if you determine that the placement is in the child's best interests, request an exception to having adoption as the child's plan of care (refer to Practice Standard 16)
- review the child's comprehensive plan of care.

When involving an Aboriginal child and family service agency:

- clarify roles and expectations with regard to collaborative case planning
- advise the worker that you will make adoption placement decisions based on your determination of the child's best interests.

Ensuring an Aboriginal child is registered

Early in the adoption planning process ensure the child who is entitled to become a registered Indian or to citizenship with the Nisga'a Lisims Government has been registered.

- most children in continuing custody who are eligible for registration as status Indians will already have been registered, as registration is a requirement of Practice Standards for Guardianship
- in those cases where an eligible child in continuing custody was not registered, follow the direction provided in Guardianship Practice Standard 9
- if the child is entitled to citizenship under the Nisga'a Lisims Government, refer to the Appendix for contact information
- when a child is voluntarily placed for adoption under the *Adoption Act* in addition to the direction found in Guardianship Practice Standard 9, apply for the child's registration:
 - using the child's name by birth, and
 - after the child's registration of live birth has been received from the Vital Statistics Agency.

Preserving the Aboriginal child's cultural identity

The preservation of the Aboriginal child's unique cultural identity is best achieved by placing the child within his or her extended family. However, if this is not possible:

- when the child is placed for adoption with an Aboriginal family outside the child's extended family, consider developing a cultural plan that connects the child with extended family (refer to the cultural plan in the Appendix)
- when the child is placed for adoption with an Aboriginal family outside the child's Aboriginal community, consider developing a cultural plan that connects the child to his or her Aboriginal community (refer to the cultural plan in the Appendix)
- if, after exhausting all possibilities, an Aboriginal home cannot be found, refer to Practice Standard 19.

Developing the child's cultural plan

When a plan to preserve the child's cultural identity is developed with a representative of the child's Band, Aboriginal community, Nisga'a Lisims Government or affiliated Aboriginal child and family service agency:

- ensure that it is part of the child's comprehensive plan of care
- when prospective adoptive parent(s) have been identified for the child, involve them and the child in conferences with the Aboriginal community and/or designated representative
- seek out cultural centres where traditional culture and languages are accessible through the elders or through youth cultural workers and that, in some communities, incorporate museums, historical research, traditional healing and counselling
- in communities that do not have cultural centres, verify whether there is cultural programming by community members or through the Tribal Council at locations such as the school, Band office, community hall, longhouse or friendship centre
- when ongoing personal contact with the child's Aboriginal community is not possible, arrange to have the Aboriginal community's newsletter or newspaper sent to the child and the prospective adoptive parent(s) to inform them of new developments in the community and upcoming cultural events.

When more than one adoption plan appears to meet the child's needs:

- involve your supervisor/team leader and weigh all relevant factors as outlined in section 3 of the *Adoption Act* (refer to Practice Standard 1) to determine the placement that is in the best interests of the child
- when deciding to place siblings in separate adoptive homes, obtain the prior approval of your regional manager responsible for adoption (refer to Practice Standard 21)
- when deciding to place an Aboriginal child in a non-Aboriginal adoptive home obtain the prior approval of the Exceptions Committee (refer to Practice Standard 19), and
- if there is disagreement about which plan best meets the child's needs, involve your regional manager responsible for adoption to:
 - consider a specialized independent consultation and assessment
 - consider, if necessary, which process or protocol to follow to resolve any dispute (refer to Practice Standard 5).

Disclosing information about an Aboriginal child

To enable contact between an Aboriginal child and the child's Band, Aboriginal community or Nisga'a Lisims Government, you may disclose the following during the planning process and prior to the granting of the adoption order:

- to prospective adoptive parent(s), ensuring that identifying information about the birth parent(s) is not disclosed
 - the name and location of an Indian Band, if the child is registered or entitled to be registered as a member of the Band
 - the name and location of an Aboriginal community, if the child is an Aboriginal child and birth parent(s) identified the child as a member of that community
 - the name and location of the Nisga'a Lisims Government, if the child is a Nisga'a child
- identifying information about the child, so that the child can be contacted by a designated representative of:
 - the child's Band, if the child is registered or entitled to be registered as a member of an Indian Band
 - the Aboriginal community identified by the child 12 years of age or older or by the child's birth parent(s) if the child is under 12 years of age, or
 - the Nisga'a Lisims Government if the child is a Nisga'a child.

If you receive a request to provide services that involve disclosing information after an adoption order is granted, refer to Chapter 13: Post-adoption Services.

PRACTICE STANDARD 19

Planning for the Adoption of an Aboriginal Child in Continuing Custody by a Non-Aboriginal Family

If, after the requirements of Practice Standard 18 are met, an Aboriginal home cannot be found for an Aboriginal child in continuing custody, you must complete the following requirements:

- when you wish to review any written family assessments for non-Aboriginal prospective adoptive parent(s) other than those with a significant relationship with the child who are applying specifically for that child:
 - consult with your regional manager responsible for adoption, and
 - obtain prior approval from the Exceptions Committee.
- when non-Aboriginal prospective adoptive parent(s) have been selected for the child and prior to placing the child:
 - prepare and sign a written request for the approval of the Exceptions Committee to place the child in a non-Aboriginal home, including a cultural plan for preserving the child's culture, identity and heritage
 - if the plan is to place the child in the non-Aboriginal home of prospective adoptive parent(s) applying specifically for that child, include in your request for approval how you determined that the placement is in the child's best interests
 - obtain the signature of your supervisor/team leader on the request
 - forward the request to your regional manager responsible for adoption and request that it be signed and forwarded to the Deputy Director of Aboriginal Services, and
 - obtain approval from the Exceptions Committee to place the child.

Commentary

The ministry has established a committee that provides a structure for reviewing requests to place Aboriginal children for adoption with non-Aboriginal families. These requests are only considered after all attempts to place the child within the Aboriginal community have been exhausted, and when the non-Aboriginal home is the only alternative that meets the child's best interests.

If no approved Aboriginal homes are available to meet the needs of the child, you may review approved non-Aboriginal written family assessments after obtaining approval from the committee. After reviewing non-Aboriginal written family assessments and from these families making a preliminary proposal, further approval from the committee is required before placing the child for adoption with the proposed non-Aboriginal family. When the adoption plan is to place the child in a specific non-Aboriginal home such as in the home of extended family, in the adoptive home of the child's sibling or with the child's caregivers, approval can be requested in one step.

You may consider placing the child in a non-Aboriginal home when prospective adoptive parent(s) have a plan to ensure the child's positive awareness of their cultural heritage. At the time that placement discussions begin with a non-Aboriginal adoptive home, inform them that approval must be received from the Exceptions Committee, before the child's placement can proceed. The Exceptions Committee consists of the Deputy Director of Aboriginal Services, the Director of Adoption and the Director of Child Protection.

When an Aboriginal child in the care of British Columbia moves to another province to be placed with a non-Aboriginal family, the Exceptions Committee reviews the adoption plan prior to placement.

When an Aboriginal child in the care of another province moves to British Columbia to be placed with a non-Aboriginal British Columbia family, there is no requirement for the Exceptions Committee to review the adoption plan as the child is not in our care and there is no authority to require this review.

Guidelines

When assessing whether the non-Aboriginal home will preserve and encourage the child's Aboriginal identity:

Consider the prospective adoptive parent(s)'

- appreciation of and sensitivity to the child's culture and heritage
- willingness to support contact with the child's Band or Aboriginal community
- willingness to consider openness agreements with the child's family and extended family where it is in the child's best interests, and
- ability to help the child develop a strong self-image that incorporates the child's cultural, racial, linguistic and religious heritage.

To request approval to place an Aboriginal child in a non-Aboriginal home:

- obtain and consider the views of the child's Band or Aboriginal community about placing the child in a non-Aboriginal home
- when you wish to review any non-Aboriginal homes, approval for an exception is a two part process:
 - documenting your attempts to find an Aboriginal home for the child and obtaining approval to review non-Aboriginal homes, and
 - after making a preliminary adoption plan with the approved non-Aboriginal home, developing with them a cultural plan for the child, documenting how they will meet the child's needs, and obtaining approval to proceed with the adoption placement
 - refer to the Appendix for details of the cultural plan
- when the adoption plan is to place the child in a specific non-Aboriginal home such as in the home of extended family, in the adoptive home of the child's sibling or with the child's caregivers, approval can be requested in one step
 - the request for approval to the Exceptions Committee includes how you determined that placement in this home is in the best interests of the child
- if desired, consult with Aboriginal Services regarding the application process
- after you and your supervisor/team leader have signed the written request, send it to your regional manager responsible for adoption to review and sign
- request that your regional manager responsible for adoption forward the written request to the Deputy Director of Aboriginal Services, and
- when the committee has agreed with the placement plan and signed the request, the Deputy Director of Aboriginal Services returns it to your regional manager responsible for adoption.

Requesting approval to review non-Aboriginal written family assessments

A written request for the Committee's' approval to review non-Aboriginal written family assessments contains the following:

- statement of the request
- the name and birth date of the child

- background information, including
 - a brief history of the child and the child's needs
 - the nature and extent of the Aboriginal community's involvement in the proposed plan to place the child for adoption in a non-Aboriginal home and their views on the adoption plan
 - the attempts to involve the extended family in identifying an appropriate Aboriginal home
 - the attempts to explore placements within the child's Aboriginal community
 - the attempts to explore placements with other Aboriginal communities if the child's community is unwilling or unable to find an appropriate Aboriginal placement
 - information regarding the availability of approved Aboriginal adoptive homes and the date the child was registered with Adoption Branch
 - other placement possibilities explored
 - the child's view of the adoption plan
 - if you have determined to involve the child's birth parent(s), (refer to Practice Standard 16), their view of the adoption plan
 - if you have determined that it is not in the child's best interests to involve the child's birth parent(s) (refer to Practice Standard 16), the reasons for that decision
- a recommendation which summarizes the requested approval, signed by you and your supervisor/team leader, and
- signature blocks for your regional manager responsible for adoption and for the three Directors.

Requesting approval of a non-Aboriginal home

When you have determined that a non-Aboriginal home best meets the needs of the child, include the following in your request to the Exceptions Committee for approval:

- a copy of the written request for approval to review non-Aboriginal written family assessments, including additional information necessary to update that request or, when approval to review written family assessments was not required, include the information required for that approval as described above
- the child's view of the adoption plan [with the prospective adoptive parent(s)] where the child has the capacity
- if you have determined that it is in the child's best interests to involve the child's birth parent(s) (refer to Practice Standard 16), their view of the adoption plan (with the prospective adoptive parent(s))
- if you have determined that it is not in the child's best interests to involve the child's birth parent(s), the reasons for that decision
- the cultural plan that has been developed to preserve the child's cultural identity (for details of the cultural plan, refer to the Appendix):
 - include how the plan will maintain the child's cultural and/or kinship relationships
 - have the plan signed by the prospective adoptive parent(s) and the identified representative of the child's Band or Aboriginal community
- an outline of how the prospective non-Aboriginal adoptive home meets the child's needs
- a recommendation which summarizes the requested approval, signed by you and your supervisor/team leader, and
- signature blocks for your regional manager responsible for adoption and for the three Directors.

PRACTICE STANDARD 20

Planning for the Adoption of a Child when there is an Access Order

When planning for the adoption of a child who is the subject of an access order, early in the adoption planning process and well in advance of the adoption placement, you must:

- consult with the child and consider the child's views regarding ongoing access
- inform the child 12 years of age or over before taking their consent to adoption, that an adoption order terminates a person's access rights, unless the court orders otherwise
- determine the best interests of the child regarding ongoing contact with the person with access
- consider that the access order may affect the child's adoption plan and placement
- determine whether the access order should continue, vary or be terminated in favour of an openness agreement
- attempt to involve the person with access in the adoption planning process and attempt to obtain agreement with your plan for ongoing contact, and
- provide written notice of the adoption plan to the person who has access to the child.

Commentary

Orders for access may be made under the *CFCSA, Family Relations Act* or *Divorce Act*. Practice Standard 16 outlines how to determine whether there is an access order and/or de facto access.

Adoption Act
s. 31

CFCSA
s. 50

A person with access is entitled to written notice at least 30 days before the date set for hearing an application for an adoption order. However, when considering adoption for a child, ensure that anyone with access is aware of the adoption plan as early as possible, and well in advance of the proposed placement. This enables the person with access time to contest the planning and avoids disruption after the adoption placement has occurred.

If access has occurred without an access order (de facto access), refer to Practice Standard 16.

Adoption Act
s. 38

An access order or an agreement for access to a child terminates when an adoption order is made unless the court determines that it is in the child's best interests to continue or vary access. A child to be adopted may have a significant relationship with an individual and if it is in the child's best interests, the court can continue or vary the person's access to make it more compatible with the child's need for the permanence of an adoption placement.

If an access order is granted under section 38, it is considered a new order under the *Adoption Act* rather than under the originating statute (*CFCSA, Family Relations Act* or *Divorce Act*). As a result, a director under the *CFCSA* has no discretion, continuing involvement or ability to supervise the access. Any applications for variation or termination must be heard by the Supreme Court.

When the child's worker is considering applying for a continuing custody order under the *CFCSA*, he or she may contact you to determine if adoption is in the best interests of the child. Information on adoption and openness agreements may be used to formulate the plan for the child and provides guidance to the child's worker and the court if an access order is being considered. If the court is aware that the plan of care is adoption and an access order is granted, it becomes difficult to return to the court to vary or remove the access order unless there has been a significant change in circumstances. While access to the child and adoption

planning for the child are not mutually exclusive plans, an access order may jeopardize or delay the development of an effective adoption plan.

Although many prospective adoptive parent(s) are willing to consider some degree of contact in adoption, most prefer the flexibility of an openness agreement. An openness agreement allows them to make decisions based on the child's changing needs, while court ordered access ties them to a specific plan that could only be varied by going back to the courts. Openness agreements are described in Chapter 2.

Guidelines

If you are unsure if there is an access order or if access has occurred without a court order (de facto access), refer to Practice Standard 16.

Determining whether access is in the child's best interests

The decision of whether to apply to court to continue, vary or terminate an access order in favour of an openness agreement should be based solely on a consideration of the child's best interests.

- Consult with the child and consider the child's views about continuing, varying or terminating the access order and about the option of continuing significant relationships through an openness agreement (refer to Practice Standard 2 for details about consulting with the child and considering the child's views).
- Help the child understand what it means to have contact through access or through an openness agreement (refer to Chapter 2).
- Inform the child that an adoption order terminates the person's access rights, unless the court orders otherwise; if the child is 12 years of age or over, this must be discussed before taking consent to adoption.
- Include information about the child's views about access in the child's comprehensive plan of care (refer to Practice Standard 27).
- Review the child's comprehensive plan of care to determine the child's needs for ongoing contact.
- Determine if contact through an access order is in the child's best interests by considering and balancing the following factors drawn from best interests legislation in the *Adoption Act* and the *Family Relations Act*
 - the child's safety with the individual, especially where there have been previous child protection concerns about the individual and this child or another child
 - the child's views – if the child is 12 years of age or older, any decision about access should be consistent with the child's wishes; if the child is under 12, his or her wishes should be taken into consideration
 - the importance to the child of continuing contact supported by court ordered access as opposed to an openness agreement, especially where the relationship is one of love, affection or similar ties between the child and the individual, and where the relationship is long-standing and enduring
 - the nature, extent and success of previous contact between the child and the individual, the effect of maintaining the relationship on the continuity of the child's care, and the extent to which the person is interested and involved in planning for the child and supports the adoption plan
 - the child's age, level of development, and physical and emotional needs, including any special needs for care and treatment, and the impact on the child's health and emotional well-being of a continuing relationship with the individual
 - the individual's capacity to engage in an openness agreement in a way that benefits the child and does not adversely affect the adoptive family environment

- the importance of preserving the child's cultural, racial, linguistic and religious heritage, and whether the child would benefit in this regard from contact with the individual
- the importance to the child's development of having a secure place as a member of a family, and whether this need could be met if prospective adoptive parent(s) are unable to manage the terms of an access order, preferring instead the flexibility of an openness agreement
- the effect on the child if there is a delay in making a decision, keeping in mind that access should not be supported if there is any question of whether it is in the child's best interests
- for an Aboriginal child, the importance of preserving the child's cultural identity and the views of the child's Band or Aboriginal community.

If you determine that the access order should continue, this information will be included in the recommendation to the court in the post-placement report.

Applying to vary or terminate an access order as a *CFCSA* proceeding

- If it has been determined to be in the child's best interests to vary or terminate an access order, whenever possible, apply to vary or terminate the order as a *CFCSA* proceeding prior to adoption placement. If joined with an application for adoption, the application is heard in the Supreme Court, and any future applications to vary will be costly for the adoptive family.
- Where appropriate, attempt to obtain consent to terminate the access order in favor of an openness agreement.
- Consult with contract counsel about applying to the Provincial Court to terminate the order:
 - if consent is not obtained, or
 - if access is at the discretion of the director, or is supervised by the director.

Providing written notice to the person with access

In order to avoid a risk of disruption, provide written notice to the person with access, as early as possible in the planning process, and well in advance of the adoption placement. This enables the person with access time to contest the planning and respects the child's continuity of care:

- Send written notice by registered mail, requesting confirmation of delivery from Canada Post, or ensure that it is personally served by a process server or by a ministry worker.
- If you are unsuccessful in providing notice in the above manner, refer to Practice Standard 8.
- When notifying the person with access, if the adoption is not fully disclosed, ensure that postmarks or return addresses do not identify the whereabouts of the child.
- Refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for a sample letter of notice to persons with access.

PRACTICE STANDARD 21

Planning for the Adoption of Siblings or a Child with Siblings

When planning for the adoption placement of siblings or a child with siblings, you must:

- consult with the child and/or sibling group and consider their views in making decisions about their placement
- wherever possible place the children together in the same adoptive home
- obtain the approval of your supervisor/team leader in all placement decisions
- when there is more than one plan which may meet the child's needs, and there is a disagreement about which plan best meets the child's needs, involve your regional manager responsible for adoption in the decision making process.

When planning for the adoption of a child with a sibling who was previously adopted, you must:

- request that Adoption Branch provide you with contact information for the adoption worker for the adoptive parent(s) of each of the child's siblings
- determine through discussion with the adoption worker of the adoptive parent(s) of each of the siblings whether they are able to meet the needs of the child for whom you are currently planning
- attempt to place the child in the same adoptive home as his or her sibling(s), unless birth parent(s) who are voluntarily planning adoption under the *Adoption Act* object.

In the rare occasion when it is not possible to place siblings together, you must make every effort to maintain these significant family ties through openness agreements.

In addition, prior to placement, when planning for a sibling or siblings in continuing custody, you must:

- obtain approval from your regional manager responsible for adoption to place siblings separately, and
- document the reasons for separation in each of the children's plans of care and the plan for continuity of relationships.

Commentary

Adoption Act
s. 3

This standard reflects the importance of maintaining relationships with family members to a child's development and ongoing well being. Sibling relationships are important throughout life and are significant in maintaining the birth family relationship in adoption. Whenever possible, place siblings or half-siblings together unless it is not in the child's best interests. This principle is supported in the Child Welfare League of America (CWLA) *Standards for Excellence for Adoption Services (2009)* which states: "Siblings should be placed together unless the serious specific needs of one or more of the siblings justifies separation . . . Separation should occur rarely . . . and the decision to separate siblings should not be based on perceived difficulties in finding a family in which they might live together, but on a careful assessment and review of the needs of each child in the sibling group."

In the case where you are planning for a child who has a sibling previously placed for adoption, this standard outlines the procedures for contacting the adoptive parent(s) of the child's sibling and determining if they are interested in adopting the child. Adoption Branch contacts the adoption worker for the adoptive family when there is a completed adoption.

When planning adoption for a child in the continuing custody of a director under the *CFCSA* it is your responsibility to determine whether the adoptive home is able to meet the

child's needs. For those situations where siblings in continuing custody cannot be placed together, this standard describes the considerations and process for obtaining approval to place them separately.

When birth parent(s) or guardians voluntarily planning adoption for a child have previously placed a sibling or half-sibling of the child, obtain their views on the possibility of placing the child in the sibling's adoptive home. If it is the wish of the birth parent(s), give priority to exploring that home as a placement for the child. If birth parent(s) indicate that they do not wish to consider the sibling's adoptive home for the child, respect their wishes.

Guidelines

To determine if a child has siblings, refer to Practice Standard 16.

When preparing for the adoption of siblings or a child with siblings:

- consult with the child or sibling group and consider their views (refer to Practice Standard 2), and
- weigh all relevant factors to determine the placement that is in the child's best interests (refer to Practice Standard 1).

When attempting to place the child in the same adoptive home as a sibling, as the adoption worker for the child or the birth parent(s):

- discuss with birth parent(s), if they are involved, the possibility of the sibling's adoptive home as a placement for the child, and
- request that Adoption Branch provide contact information for the adoption worker of the sibling's adoptive parent(s).

When you are the adoption worker for adoptive parent(s) who have been asked to consider adopting their child's sibling:

- contact the adoptive parent(s) to explore their interest in the placement of their child's sibling and discuss the following:
 - the child's needs
 - any legal risks to the placement
 - whether their family will be considered along with other placement options for the child
 - the option of an openness agreement with any other family who adopts the child if they choose not to adopt the child, and
 - that placement of the child is dependent on approval through the homestudy process
- if the adoptive parent(s) express interest in adopting their child's sibling, request their permission to approach the worker for the child/birth parent(s) to exchange information about the family
- contact the worker for the child/birth parent(s) about the sibling's adoptive parent(s)' interest in the child
- identifying information may be shared with the worker but not with birth parent(s) (refer to Practice Standard 7 regarding confidentiality)
- if the adoptive parent(s) wish to proceed with an adoption application:
 - ensure they complete the Application to Adopt (CF1013), the Adoption Questionnaire (CF1048) and other documents required to begin the homestudy process (refer to Practice Standard 45), and
 - when the written family assessment is completed, send it directly to the adoption worker for the child/birth parent(s) to review and/or share with involved birth parent(s).

Consider the following factors about adoptive parent(s) who are approached about adopting a sibling of their adopted child:

- their interest, willingness and capacity to adopt the child
- their ability to meet the individual needs of the child
- their view about the importance of developing and maintaining the sibling relationship
- their recognition of the significance of the attachment between the siblings over the siblings' lifetimes
- their view of the possibility of entering into an openness agreement with birth parent(s) or other extended family members, and
- if prospective adoptive parent(s) are unable to adopt the child being planned for, whether they would consider an openness agreement or contact between the siblings.

When more than one adoption plan appears to meet the child's needs:

- consult with your supervisor/team leader and weigh all relevant factors as outlined in section 3 of the *Adoption Act* (refer to Practice Standard 1) to determine the placement that is in the best interests of the child
- if the child is Aboriginal, refer to Practice Standard 18, and
- if there is disagreement about which plan best meets the child's needs, involve your regional manager responsible for adoption to
 - consider a specialized independent consultation and assessment
 - consider, if necessary, which process or protocol to follow to resolve any dispute (refer to Practice Standard 5)

If it is not possible to place siblings together:

- weigh all relevant factors to determine the plan which is in the best interests for each of the children, discuss the plan with your supervisor/team leader, and obtain his or her approval to place siblings separately (refer to Practice Standard 1)
- if siblings are in the continuing custody of a director under the *CFCSA*, before adoption placement, obtain written approval from your regional manager responsible for adoption to place siblings separately, using the following criteria:
 - siblings have come into care at different times and adoptive parent(s) of the sibling(s) have been contacted and have declined to adopt this child
 - one of the siblings has been exempted from registration for adoption (refer to Practice Standard 16)
 - after all the factors in determining the child's best interests (refer to Practice Standard 1) have been carefully weighed, it is concluded that it is in the best interests of one or more of the siblings to live separately, and
 - there is an appropriate plan for ongoing contact between each of the siblings which is documented in the comprehensive plan of care
- refer to Chapter 2 to initiate discussions regarding an openness agreement that will allow the siblings to maintain contact with one another, including contact between a child in an adoptive family and his or her sibling who may remain in foster care, and
- document the reasons for the decision to separate the siblings in each of the children's comprehensive plan of care.

A request for approval to place siblings separately may include:

- the names and birth dates of each child
- a brief summary of the placement history of each child
- a description of the length of time the children have been living together and the nature of their relationship with one another, or if they are not living together, how frequent their contact is and the nature of their relationship

- each child's special needs
- the permanency plan for each child
- a rationale for placing the siblings separately, showing how this is in their best interests (refer to Practice Standard 1), and the potential benefits and disadvantages to each child
- depending on their ages, a description of how each child perceives the sibling relationship, and their feelings about the plan
- information on what efforts have been made to recruit a home for the children as a sibling group
- if the children are not placed together, a plan for maintaining their relationship, and
- a recommendation.

PRACTICE STANDARD 22

Collecting the Child's Documentation, Medical, Social and Placement History

Prior to placing a child for adoption, where appropriate and possible, you must collect the following information:

- the child's written placement history and life experiences
- the child's most recent school records and any educational assessments
- a copy of the child's baptismal certificate, if the child has been baptized
- a detailed health history of the child, and
- recent photographs of the child.

You must:

- preserve the above information for the child, and
- when the above information is given to the prospective adoptive parent(s) at the time the child is proposed, ensure that no identifying information is included.

In addition, in preparation for the adoption completion, you must collect the following:

- a certified copy of the child's birth registration
- a certified copy of the continuing custody order, if applicable, and
- copies of any access orders, if applicable.

Commentary

Adoption Reg.
s. 4(1)(e)(f)(g)(h)

Information about the child's history is collected and preserved to be given to prospective adoptive parent(s) to help them understand the child's needs, and for them to share with the child after the adoption when they feel the child is developmentally ready to understand and accept the information. If the child is not placed for adoption the information may be shared with the child at the discretion of the child's worker. The preserved information may be accessed through Information, Privacy and Records Services Branch by the adoptive parent(s), and later by the adopted adult.

Sound adoption planning is based, in part, on your understanding of a child's past history, current functioning and future needs. Having a full understanding of a child's needs will assist you in making an accurate assessment of the ability of prospective adoptive parent(s) to meet those needs. In addition, detailed background information helps the child develop a sense of self worth and confidence. It also allows the adopted child, when an adult, to access information about his or her time in care, and early medical history.

A child's medical and social history is obtained, when possible, from birth parent(s), medical practitioners, other professionals, the child's caregiver(s) and the child's workers. (To determine whether contacting the birth family of a child in continuing custody is in the child's best interests, refer to Practice Standard 16.)

Adoption Act
s. 70

The *Adoption Act* gives a director the right to any information in the control of a public body that is necessary for the health or safety of an adopted person; this authorizes you to request medical information such as the child's newborn records from a hospital.

The child's placement history and life experiences

A detailed description of the child's placement history and life experiences is provided to the prospective adoptive parent(s) when they are considering the adoption of a proposed child. The prospective adoptive parent(s) should be encouraged to share the information with the

child when they feel that the child is developmentally ready to understand and deal with the information.

The Child's Placement History and Life Experiences (the guideline is included in the Appendix to *Administrative Procedures and Guidelines for Adoption Services*) includes the following information about the child:

- name (only if the adoption is fully disclosed; refer to Practice Standard 7 concerning confidentiality during the proposal process)
- nickname
- sex
- birth date and time
- birth weight
- birth place
- information about the child's placement history including the reasons the child came into care
- life experiences including significant or memorable events, achievements and history of serious illnesses, abuse or neglect
- cultural and racial heritage (including Band name and number, if applicable), languages spoken and understood, religion (and whether the child has been baptised), and traditions or customs the child has experienced
- physical description including height, weight, hair colour and eye colour
- details of the child's physical growth and development, significant developmental milestones and the age when they occurred
- description of the child's personality and behaviours, identifying the child's abilities and strengths, and details of the child's current physical, mental and emotional functioning
- the child's interests and favourite activities, including favourite toys, attitude to pets, and memorable achievements
- the child's current level of education, favourite subject and best subject, and previous school experiences including names, places and dates of schools and memorable achievements
- the child's relationships with birth family and caregivers; information regarding access orders and contact to be maintained with the birth family and others; the child's relationship with other children
- the child's understanding of why he or she is not living with the birth parent(s) or other birth family members and what adoption means; the child's views about the adoption plan and the possibility of a change in given or family names.

Note: If this information is already included in the child's comprehensive plan of care, Life Book or medical and school records, only additional information needs to be included in the Child's Placement History and Life Experiences, unless you believe it is valuable for the child and the prospective adoptive parent(s) to have a summary of the information in this format.

A detailed health history of the child includes:

- the child's Newborn Record, Part 1 & 2 (Ministry of Health form HLTH 1583A), obtained from the hospital if the child was born in British Columbia, or other hospital records if the child was born outside the province (refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for a sample letter requesting records)
- the child's Health Care Passport (CF2601)
- the child's Permanent Medical Record (CF1606):
 - a medical examination completed no more than 30 days before placement, or

- for a newborn, a medical examination completed wherever possible by a paediatrician prepared prior to the child's discharge (unless all the relevant information required was collected on the child's Newborn Record (HLTH 1583A) and the form has been obtained from hospital prior to proposing the child), and
- a further medical examination if an infant is not placed before six weeks of age
- if there are diagnosed medical problems, mental illness or genetic risks in the child's background:
 - records detailing the history from birth parent(s) or from the child's medical practitioner, and a written report about the implications of any medical or genetic risk factors from the child's physician or paediatrician
 - additional assessments if the medical practitioner or you believe that they are required
- if there are developmental delays, as much information as possible from involved professionals
- the child's dental records
- the child's optical records, if applicable.

PRACTICE STANDARD 23

Collecting the Medical and Social History of the Child's Birth Family

Prior to placing a child for adoption you must:

- collect as much information as possible about the medical and social history of the child's biological family, including:
 - descriptions of the birth parent(s)
 - health histories of the birth parent(s)
 - social histories of the birth parent(s), and
 - the reasons the birth parent(s) have decided to make an adoption plan
- preserve this information in a written report for the child, and
- give the written report to the prospective adoptive parent(s).

When a birth parent voluntarily planning adoption is not located before placement to complete the medical and social history for the child, obtain the approval of your supervisor/team leader to place the child.

Commentary

Adoption Act
s. 6(1)(c)(d)
s. 8(2)(b)(c)
s. 48(2)(b), (3)

Adoption Reg.
s. 4(1)(a)(b)(c)(d)

Before placing a child for adoption, you are required to collect the medical and social history of the child's birth family, preserve it for the child and provide it to prospective adoptive parent(s). This standard describes these requirements and suggests ways to gather information when it proves difficult to obtain.

A child placed for adoption needs information about birth parent(s) to provide a sense of identity, to enable them to become acquainted with their past and to assist them in making decisions in the future. Adopted adults overwhelmingly express the need to know about their origins.

Prior to placement, this information helps prospective adoptive parent(s) to decide whether they have the ability to parent the child or whether to proceed with placement of the child. After placement and completion of the adoption, the information helps adoptive parent(s) address the child's need for information about their birth family. The ministry retains information collected about the child's birth family in case the child requests it at a future date.

Guidelines

Collecting family information from the birth parent(s)

Whenever possible, collect family information directly from the birth parent(s) in the Child's Birth Family Medical and Social History (CF2670) booklet:

- make every effort to ensure the history is as complete, factual and objective as possible
- ensure birth parent(s) complete the Child's Birth Family Medical and Social History (CF2670) booklet:
 - with your assistance, if requested
 - using black ink, for the long-term retention of the information
 - providing identifying information only in Part 1 of the form

- birth parent(s) may choose to have a medical practitioner complete the Health History Part 3 of the booklet, instead of, or in addition to, completing the form themselves
- include in the “Social Worker Comments” section:
 - reasons information is limited or missing
 - the reasonable efforts made to obtain the missing information
 - any descriptive information about the birth parent(s) and the placement process you feel is appropriate
 - the birth parent(s) signed acknowledgement that they have read your comments, or
 - if it is not possible for the birth parent(s) to sign your comments, a statement explaining the reason the signature is missing, signed by you and your supervisor
- remove Part 1, Background Identifying Information, and the page with the birth parent(s) signature and place them on the (AS) file (even in an fully disclosed adoption these pages are not shared because they contain third-party information)
- make copies of Parts 2 to 4 for the (AS) and (AH) files, and
- ensure that prospective adoptive parent(s) are given the original Parts 2 to 4 when the child is placed.

When the child is in the continuing custody of a director under the *CFCSA*

- if the information required by this standard is not on the child’s file, before making reasonable efforts to obtain information from birth parent(s) or extended family, refer to Practice Standard 16 to determine if it is in the child’s best interests to involve birth family members
- if contact with birth family members would pose a risk to the adoption placement, obtain as much information as possible from the child’s and the family’s files, and from other public bodies, and
- if the birth family is unavailable, include available information on the Child’s Birth Family Medical and Social History (CF2670) booklet or in a written report
 - indicate the areas where information was not available and the source of the information included, and
 - sign the booklet to indicate who completed the history.

When a birth parent voluntarily planning adoption under the *Adoption Act* has previously placed a child for adoption:

- obtain the birth parent’s written consent to disclosure of information to obtain a copy of the birth family medical and social history from the closed (AS) file
- request the closed (AS) file, and
- obtain current information to update the earlier birth family medical and social history.

When a birth parent is herself or himself adopted and has no information about his or her biological family:

- obtain the birth parent’s consent, using a Consent to Disclosure of Information (CF0609), and request that Adoption Branch obtain the information
- if the birth parent refuses to consent, advise the birth parent that section 70 of the *Adoption Act* permits the Director of Adoption to obtain information necessary for the health of the child to be adopted
- to protect the privacy of the birth parent and his or her family, any information about the birth parent’s family history which is not included in the history you are preparing for the child should not be retained on the (AS) or (CS) file
- if the birth parent wishes to retain the information, advise him or her to make a request to Information, Privacy and Records Services Branch.

CFCSA
s.96

When a birth parent is unable to provide information because of a mental disability or mental illness:

- make reasonable efforts to obtain the information from the birth parent's extended family or guardian, and
- wherever possible obtain the birth parent's consent; however if the child is in the care of a director under the *CFCSA* while the consent of the birth parent is preferred, a director has right of access because it relates to the well-being of the child.

When the whereabouts of a birth parent voluntarily planning adoption under the *Adoption Act* are unknown:

- the address given on the Birth Fathers' Registry may be used to contact the birth father for purposes of gathering his birth family medical and social history (refer to Practice Standard 33)
- make reasonable efforts to locate that birth parent (refer to Practice Standard 8), and
- obtain relevant information from public bodies.

When a man named by the birth mother denies paternity:

- obtain information about the birth father from the birth mother
- provide non-identifying information about the birth father to the prospective adoptive parent(s), and
- ensure that prospective adoptive parent(s) are told that the information was received from the birth mother and that the alleged birth father denies paternity.

When a birth father registered on the Birth Fathers' Registry is not acknowledged by the birth mother as the birth father:

- request that he provide his social and medical history for the child
- advise him that non-identifying information is given to prospective adoptive parent(s)
- ensure that prospective adoptive parent(s) are told that the birth mother does not acknowledge him as the birth father, and
- inform the birth mother that the birth father's information was given to the prospective adoptive parent(s).

PRACTICE STANDARD 24

Designating the Child for Post-adoption Assistance

When making an adoption plan for a child, you must:

- review the age, legal status and special service and placement needs of the child
- determine whether the child meets the criteria for designation for post-adoption assistance, and
- obtain the approval of your supervisor/team leader to designate the child.

If adoptive parent(s) of a child who was not designated but who was adopted after November 4, 1996, apply for post-adoption assistance, you must determine whether the child meets the criteria for designation and obtain the approval of your supervisor/team leader to designate the child.

Commentary

Adoption Reg.
s. 26
s. 27(4)

Post-adoption assistance is available to a child who meets the criteria for designation. Wherever possible, the designation of a child for post-adoption assistance is completed before a child is matched with a family. A designation may also be done after placement when adoptive parent(s) apply for assistance for a child whose adoption was completed by the ministry after November 4, 1996. The designation of a child does not necessarily result in a Post-adoption Assistance Agreement. Some families may not meet the eligibility requirements, and others may not want assistance.

Guidelines

A designated child is defined as a child who meets the following criteria:

- is under the age of 19 years
- is or was:
 - in the continuing care of a director under the *CFCSA*
 - transferred to the care and custody of the director under the *Adoption Act* or former *Act*, or
 - under the guardianship of the director under the *Family Relations Act*
 - under the guardianship of the director under the *Adoption Act*
- has a special service need because of:
 - a diagnosed physical disability or mental disability or both
 - a diagnosed emotional disturbance or behavioral disturbance or both
 - a recognized high risk of developing a physical or mental disability or both
 - a recognized high risk of developing an emotional disturbance or behavioral disturbance, or both, due to pre-natal or post-natal history, or
- has a special placement need because:
 - of the age of the child
 - the child is a member of a family group that should be placed together, either jointly or successively
 - the child has established significant emotional ties with a person who proposes to adopt the child, or
 - the child has cultural ties that require a culturally compatible placement or support, and

- is determined by the director to be a designated child.

When determining whether a child requires special services to meet his or her special needs, consider:

- relevant medical and psychiatric reports
- educational assessments, and
- the phrase “a recognized high risk of developing a physical disability” in the *Adoption Regulationis* intended to include physical health needs that might not be defined medically as a disability but that existed at the time of placement.

When determining whether a child has a special placement need:

- a member of a family placed “successively” refers to placing a child whose sibling has already been placed in the same adoptive home
- “significant emotional ties” refers to adoption by caregiver(s), relatives or other persons with an established connection to the child, and
- a “culturally-compatible placement” refers to placing a child in a home with the same ethnic, racial, linguistic or cultural heritage as that of the child, when it is in the child’s best interests.

Steps in designating a child prior to placement

1. Gather supporting documentation including the child’s comprehensive plan of care and relevant medical reports and assessments.
2. Identify the child’s special service and placement needs and record them on Designation of Child (CF2208).
3. Determine if the child meets the criteria for designation.
4. Recommend that the child be designated and obtain the written approval of your supervisor/team leader on the (CF2208).
5. Document that the child is designated on the comprehensive plan of care.
6. Create a post-adoption assistance section on the (CS) file.

When you receive a request to designate a child whose adoption was completed after November 4, 1996:

Adoptive parents may apply for designation of a child any time before the child is 19 years of age whether or not the child’s special service or placement needs were diagnosed, reported or known at the time of adoption.

In your role as the adoption worker for the adoptive parent(s):

1. Open an (AA) file when the Application/Reapplication for Post-adoption Assistance (CF2207) is received.
2. Contact Adoption Branch to access the child’s closed file.
3. Determine that the adoption order was granted on or after November 4, 1996.
4. Consider only special service or placement needs that can be clearly linked to pre-adoption circumstances or conditions (special service or placement needs resulting from a post-adoption accident or injury would not meet the criteria for designation).
5. Gather supporting documentation including the child’s comprehensive plan of care and relevant medical reports and assessments.
6. Identify the child’s special service and placement needs and record them on the Designation of Child (CF2208).
7. Determine if the child meets the criteria for designation.
8. Recommend that the child be designated and obtain the written approval of your supervisor/team leader on the CF2208.

PRACTICE STANDARD 25

Preparing the Child for Adoption

Prior to placing a child for adoption you must:

- early in the planning process and in a timely fashion, develop a written plan to prepare the child for adoption
- ensure the child is thoroughly prepared emotionally for adoption placement in a manner consistent with the child's age and level of understanding and sensitive to the child's needs
- counsel the child about the meaning and effects of adoption in a way consistent with his or her capabilities
- consider the views of those involved in the preparation of the child in determining whether the child is thoroughly prepared and ready for an adoption placement
- obtain the approval of your supervisor/team leader that the child is thoroughly prepared and ready for an adoption placement, and
- ensure a Life Book is prepared for the child.

Commentary

Successful adoption placements are more likely when the child to be adopted has been fully prepared. The Child Welfare League of America (CWLA) *Standards of Excellence for Adoption Services (2000)* states that for children to emotionally attach to a new family, they must understand what has happened to them and their birth family, why they entered care, and why they cannot return to their birth family. It further states that children need to be able to give themselves permission to have more than one family, be helped to visualize what their new family might be like, and understand, to the extent possible, why such a new family is in their best interests.

Preparing the child for adoption is a two-step process. The child first needs to be prepared in general for adoption placement. The child then needs additional preparation when a specific family is selected. Preparation for a specific family is done through video tapes, photographs, telephone calls and pre-placement visits (refer to Practice Standard 28).

Preparing the child for adoption, especially when adoption means separation of the child from the family with whom he or she has lived, includes helping both the child and his or her caregivers to deal with their feelings about the planned change.

Some children, depending on their age, level of understanding and special needs, require more extensive preparation than others. A child may experience grief and divided loyalties as he or she moves through the adoption process. The CWLA standards suggest that if the adoption worker helping the child move into the adoptive home is new to the child, the child needs to be given sufficient time to become comfortable expressing his or her feelings and opinions to the worker.

During the preparation process, the role of a child's caregiver(s) is extremely important. The more involved caregiver(s) are in this phase of the work, the better able and willing they are to assist in positively preparing the child for moving to an adoptive home.

Adoption Act
s. 6(1)(e)

The *Adoption Act* requires that a child of sufficient maturity be counselled about the effects of adoption prior to adoption placement. When counselling a child, consider the effects of adoption in the context of legal, emotional and social consequences for the child.

Guidelines

A plan to prepare the child for adoption is included in the comprehensive plan of care and identifies:

- the child's needs for preparation
- those you have determined will participate in preparing the child, for example caregivers, professionals who are working with the child, and birth family members if you have determined that it is in the child's best interests to involve them (refer to Practice Standard 16).

When preparing the child for adoption:

- assist the child with issues about his or her past, including feelings of loss and grief
- assist the child with feelings
 - about adoption in general
 - as appropriate, about placement with a specific adoptive family
- provide opportunities for the child to actively participate in planning for the adoption
- assist the caregiver(s) in preparing the child to make the change to the new family
- provide the caregiver(s) with support to deal with their feelings of loss related to the child's adoption
- once the child has been prepared emotionally, discuss the meaning and effects of adoption.

Before discussing adoption with the child, consider the following:

- the history of the child's family of origin, including, if applicable, the reasons the child came into care
- the child's cultural, racial and linguistic identity, with respect to the practices, customs and spiritual values of the family or community with which he or she identifies
- the child's right and need
 - to be fully informed about adoption and its effects
 - to freely express his or her feelings and views about adoption, to ask questions and seek clarification of what he or she does not understand
 - to express his or her choices and preferences to the fullest extent possible, consistent with his or her age and developmental level
- the child's age, developmental level and maturity in understanding the concept of adoption, providing as much detail as the child needs and understands
- the child's unique experiences and needs
- the child's acute need for predictability in moving from the familiar to the unfamiliar
- the child's need to have a sense of control over his or her life
- the importance of continuity in the child's care, and
- what "family" means to the child and the child's concept of what it may provide.

To assess the child's emotional preparation, consider whether the child is able to:

- separate from caregivers and form attachments with the adoptive family
- talk about his or her birth family, what happened to the child and the birth family; why the child came into care and why he or she cannot return to the birth family
- identify and express feelings about his or her past
- deal with feelings of grief and loss

- discuss his or her desire to be adopted and, to the extent possible, why a new family is in the child's best interests
- express his or her views about an adoption plan if prospective adoptive parent(s) are selected
- accept that he or she can have more than one family
- visualize what the new family would be like.

When counselling a child in a way consistent with his or her capabilities about the effects and meaning of adoption, include the following:

- adoption is a legal act that enables a child to be raised in an adoptive family when their own family is not able to do so
- when a child is adopted, all the parental rights and responsibilities of the child's birth parent(s) are transferred to the adoptive parent(s)
- adoptive parent(s) may legally change the child's given or family name
- if the child is 12 years of age or over, the adoptive parent(s) can only change the child's given or family name if the child consents
- adoption means a child grows up knowing he or she has two families, a biological family and an adoptive family
- being adopted by a family means separation from another family
- it is natural for a child who is adopted to feel and express a range of emotions including feelings of loss and grief
- as a member of an adoptive family, the child has the opportunity to be loved and to feel secure.

To determine if the child is thoroughly prepared and ready for an adoption placement:

- consult with the child and consider the child's views of the adoption placement (refer to Practice Standard 2)
- meet with and consider the views of those involved in preparing the child, including your supervisor/team leader
- discuss the child's preparation process and the child's readiness for an adoption placement.

If it is determined that the child is thoroughly prepared and ready for an adoption placement, obtain the approval of your supervisor/team leader on the child's comprehensive plan of care.

Tools to help prepare the child for adoption

A child's Life Book, as well as videos and photos of their current and prospective homes, can help a child prepare emotionally for the transition to a new home.

Preparing a Life Book for the child

A Life Book is kept by the child after placement as a permanent personal record of their childhood experiences. It can be used to help a child understand and integrate past events in his or her life and to understand the reasons for the impending placement

- A Life Book is essentially a memory book developed by the child, the caregiver and the adoption worker and may include:
 - photographs and other memorabilia
 - souvenirs and details of developmental milestones, such as the child's birthdays, first tooth, first steps and so on
 - names and addresses of caregivers and other persons living in the placement setting
 - pictures and drawings

- report cards
- journals, diaries, essays or personal narratives
- certificates of achievement
- letters from friends or relatives
- souvenirs from trips, concerts and sporting events, and
- badges and ribbons from clubs and sports events in which the child has participated.
- A Life Book does not include confidential information about birth parent(s), unless there is an agreement before placement that specific information will be available to the child and adoptive parent(s) (refer to Practice Standard 7 regarding confidentiality).
- For older children, information already known and shared with the child can be included, such as pictures or letters from birth family members.
- Pre-printed pages for various age groups can be ordered from Office Products Centre – Victoria.

Videos and photographs can be useful in preparing a child:

- as a record of the family and community the child is leaving, and
- as an introduction for the child to their new home before they visit.

PRACTICE STANDARD 26

Selecting Prospective Adoptive Parent(s) for a Child in Continuing Custody

When selecting prospective adoptive parent(s) for a child in continuing custody, you must:

- determine whose views you will consider when deciding which prospective adoptive parent(s) will meet the child's special service and placement needs, and at a minimum include your supervisor/team leader and one other person
- obtain and review the written family assessments to determine the characteristics and abilities of the prospective adoptive parent(s) you are considering
- weigh all relevant factors as outlined in section 3 of the *Adoption Act* and Practice Standard 1 to determine if adoption placement with the prospective adoptive parent(s) being considered would be in the child's best interests
- obtain and consider the views of those you are involving in the selection process, and
- when there is more than one plan which may meet the child's needs and there is disagreement about which plan can best meet the child's needs, involve your regional manager responsible for adoption.

Commentary

To ensure that the prospective adoptive parent(s) selected for a child will meet the child's needs, review the child's comprehensive plan of care and all the information you have obtained about the child to ensure you are familiar with the child's unique special service and special placement needs.

Selecting a prospective adoptive family to whom you wish to propose the child for adoption is the beginning of a process in which a lifelong decision is made for the child. It is important that the selection process includes meaningful consultation with those who can assist in determining the child's needs. Determining whose views will be considered is an important part of this process. The final decision to propose a child to a particular family is made in consultation with the adoption worker for the prospective adoptive parent(s) and with the approval of your supervisor/team leader (refer to Practice Standard 27) after weighing each best interests factor outlined in section 3 of the *Adoption Act* and Practice Standard 1.

If the child is Aboriginal, refer to Practice Standard 18 and ensure that placement options with the child's extended family, Aboriginal community or other Aboriginal families have been thoroughly explored.

Guidelines

Prior to reviewing written family assessments of prospective adoptive parent(s)

- choose who you will involve and the extent of their involvement in determining the prospective adoptive parent(s) who will best meet the needs of the child
 - involve the child and consider the child's views according to his or her capabilities (refer to Practice Standard 2)
 - when the child is in the continuing custody of a director under the *CFCSA* and it is determined to be in the child's best interests (refer to Practice Standard 16), involve the child's birth family member(s)

- involve the child's caregivers and other professionals who know the child well and can assist in identifying the child's needs
- remove all identifying information from any written family assessments before sharing them with others
- when reviewing written family assessments for a child in continuing custody, the final selection of the prospective adoptive parent(s) remains your decision, in consultation with your supervisor/team leader.

When considering written family assessments of prospective adoptive parent(s)

- contact the adoption worker for the prospective adoptive parent(s) to
 - determine if the prospective adoptive parent(s) are available
 - determine if they would likely be interested in the child for whom you are planning adoption
 - advise the adoption worker if you are considering other prospective adoptive parent(s) or there are any reasons a placement may be delayed
 - if the written family assessment is not current, determine if an update can be done in the time frame which would permit them to be considered for this child, and discuss, if a proposal goes ahead, a plan to update the written family assessment
 - advise the adoption worker that if their criminal record search is older than 9 months, a new criminal record search is required before you propose the child
 - if the written family assessment does not recommend them for the special needs of the child you are planning for, discuss with the adoption worker for the prospective adoptive parent(s):
 - whether a reassessment is likely, and
 - if a proposal goes ahead, a plan to reassess the prospective adoptive parent(s) and amend the written family assessment
- review the written family assessment(s) with those you have determined are involved in the decision making process and with your supervisor/team leader
- weigh all relevant factors as outlined in section 3 of the *Adoption Act* and Practice Standard 1 to determine if adoption placement with those prospective adoptive parent(s) being considered would be in the child's best interests.

If more than one plan appears to meet the child's needs and there is disagreement about which one best meets the child's needs

- the final selection of the prospective adoptive parent(s) remains with you, with the approval of your supervisor/team leader and the involvement of your regional manager responsible for adoption
- consider a specialized independent consultation and assessment to assist you in making your decision
- consider, if necessary, which process or protocol to follow to resolve any dispute (refer to Practice Standard 5).

When you have selected prospective adoptive parent(s) you believe may meet the special service and placement needs of the child

- contact the adoption worker for the prospective adoptive parent(s) and have the worker discuss with them whether this would be a child they may consider for adoption
- request that the adoption worker for the prospective adoptive parent(s) share the following non-identifying information with them:
 - the child's special service and placement needs
 - openness requests and considerations (refer to Chapter 2: Openness)
 - any legal risks to the placement they should consider

- whether you are considering other prospective adoptive parent(s)
- any reason the placement may be delayed
- in addition, when there is an access order or agreement, request that the adoption worker share the following non-identifying information with the prospective adoptive parent(s):
 - the terms and conditions of the access
 - the amount of access the family historically has exercised
 - the child's views about continuing access
 - for an Aboriginal child, the views of the child's Band or Aboriginal community, and
 - that if the order is not terminated prior to the application to court for an adoption order, there is no guarantee that the access order will be terminated when the order is granted
- if the adoption worker for the prospective adoptive parent(s), after having presented the preliminary proposal to them, confirms that they are interested in considering the child, and if you and your supervisor/team leader continue to believe that a placement with the prospective adoptive parent(s) would be in the child's best interests, refer to Practice Standard 27.

PRACTICE STANDARD 27

Proposing the Adoption Placement of a Child to Prospective Adoptive Parent(s)

Prior to proposing the adoption placement of a child in continuing custody with prospective adoptive parent(s), you must:

- ensure that the child is thoroughly prepared and ready for an adoption placement
- participate in the review of the child's comprehensive plan of care and complete the "Specific Needs" and "Desired Outcome" categories in the child's comprehensive plan of care, including both present and future needs
- determine whether the prospective adoptive parent(s) agree to the level of openness you have determined is in the child's best interests
- obtain the approval of your supervisor/team leader to propose the child to the prospective adoptive parent(s)

When proposing the child to the adoption worker for the prospective adoptive parent(s), you must share the following, after removing identifying information:

- the comprehensive plan of care completed for the proposal, as described above
- the child's previous comprehensive plan of care
- the child's written placement history and life experiences (refer to Practice Standard 22), and
- all relevant information about the child and the birth family.

When the prospective adoptive parent(s) have agreed to accept the adoption of the proposed child, you must:

- obtain from the adoption worker for the prospective adoptive parent(s) the completed and signed comprehensive plan of care and letter acknowledging information they have received
- determine with the adoption worker for the prospective adoptive parent(s), your supervisor/team leader and their supervisor/team leader whether the prospective adoptive parent(s) understand and have the capacity to meet the special service and placement needs of the child, and
- obtain your supervisor's/team leader's approval of the completed comprehensive plan of care before beginning pre-placement visits.

Commentary

Once it is determined that the prospective adoptive parent(s) may be able to meet the special service and placement needs of the child, the child's comprehensive plan of care is reviewed, as required by Guardianship Practice Standard 22. Complete and accurate information about the child, including the comprehensive plan of care, is shared with their adoption worker, ensuring that all identifying information about the child and other individuals in the child's life is removed. The adoption worker shares this information with the prospective adoptive parent(s), as required by the *Adoption Act* and *Adoption Regulation*

Once the prospective adoptive parent(s) agree to the proposed adoption, they and their adoption worker identify how they can best meet the child's needs as described in the plan of care. The completed comprehensive plan of care is returned by the prospective adoptive parent(s) worker. A meeting or conference call of all of the workers and their supervisors/team leaders is then convened to determine if the placement is in the child's best interests. This process meets the requirement for a plan of care review meeting.

Adoption Act
s. 6(1)(d)
Adoption Reg.
s. 4

Guidelines

After preliminary discussions about the child with the adoption worker for the prospective adoptive parent(s)

- ensure that any required update to the prospective adoptive parent(s)' written family assessment is completed; the child is not proposed to the prospective adoptive parent(s) if the written family assessment is not current
- if the prospective adoptive parent(s)' written family assessment does not recommend them for a child with the same types of special needs as the child who has been proposed, request that the family be reassessed and the written family assessment amended
- when the written family assessment is current and recommends the prospective adoptive parent(s) for the special needs of the child
 - request that the adoption worker for the prospective adoptive parent(s) conduct a prior contact check on the prospective adoptive parent(s)
 - ensure the criminal record search is not older than 9 months
- update the "Specific Needs" and "Desired Outcome" categories in the child's comprehensive plan of care, including both present and future needs (see below)
- review the comprehensive plan of care and the required documentation on the child with your supervisor/team leader and obtain approval to proceed.

Reviewing the child's comprehensive plan of care

A review of the child's comprehensive plan of care is required at the time of an adoption proposal for all children in continuing custody, and for children voluntarily placed for adoption under the *Adoption Act* who have special service needs as defined in the *Adoption Regulation*

Adoption Reg.
s. 26(c)(f)

When the "Specific needs" and "Desired outcome" categories in the child's comprehensive plan of care are completed for an adoption proposal, ensure that no information is included:

- that might identify the child's name or location (if it has been determined that the identifying information is not currently known by the prospective adoptive parent[s]); refer to the information under "Confidentiality" in Practice Standard 7
- that might identify any third party.

In addition to the required information include the following adoption specific information:

In the placement section, include:

- a detailed description of the expectations of pre-placement visits (refer to Practice Standard 28), and
- any legal risks to the adoption placement of a child in continuing custody, such as:
 - any applications before the court to rescind the continuing custody order
 - the possibility with a child in continuing custody that the birth parent(s) may apply to the court to rescind the continuing custody order anytime before the adoption order is granted, which includes the post-placement period when the child is living with the prospective adoptive parent(s)
 - any outstanding issues related to access
 - the possibility with a child in continuing custody that an individual, including a birth parent, may apply to the court for access to the child anytime before the adoption order is granted, which includes the post-placement period when the child is living with the prospective adoptive parent(s)
 - the possibility that the child over the age of 12 may revoke his or her consent anytime up until the adoption order has been granted.

In the Health, Education, Identity, Culture and Religion, Social Presentation, Emotional and Behavioural Development, and Self Care Skills sections, include:

- the child's present specific needs and predictions of any long term or future specific needs, and
- whether the child has been designated for post-adoption assistance.

In the Family and Social Relationships section, include:

- the degree of openness with significant people in the child's life which has been encouraged and should be maintained
- any openness requested by birth family members or significant persons in the child's life, and/or
- any access orders or agreements that apply.

Sharing the child's information

When proposing the child to the adoption worker for the prospective adoptive parent(s), send the worker all available information about the child:

- delete any information that might identify the child's name or location or any third party, unless it can be determined that the identifying information is currently known to the prospective adoptive parent(s) (refer to Practice Standard 7)
- include:
 - in addition to the comprehensive plan of care completed for the proposal, the child's most recent comprehensive plan of care (either the Condensed Assessment and Comprehensive Plan of Care or the Looking After Children Assessment and Action Record*)
 - all information about the child's medical, social and placement history (refer to Practice Standard 22)
 - the child's birth family's medical and social history (refer to Practice Standard 23)
- ask the adoption worker to share all of the above information with the prospective adoptive parent(s).

** The Condensed Assessment and Comprehensive Plan of Care is designed for children who are temporarily in care or who have not yet become part of the Looking After Children program. It may also be used in the 6-month review as an alternative form to the Looking After Children Comprehensive Plan of Care (the Looking After Children form would still be used annually).*

Once the prospective adoptive parent(s) agree to the proposed adoption, their adoption worker:

- confirms that the prospective adoptive parent(s) are interested in and well suited to accepting the placement of the child
- completes the "Description of services to be provided based upon the child's needs" and "Target date" categories of the child's comprehensive plan of care as outlined in Practice Standard 50
 - obtains the signature of the prospective adoptive parent(s) on the comprehensive plan of care
 - obtains the approval of his or her supervisor/team leader on the comprehensive plan of care, and
 - returns the comprehensive plan of care to you, with a copy of the prospective adoptive parent(s)' letter acknowledging the information they have received (refer to Appendix).

Once these steps are completed, determine whether the prospective adoptive parent(s) can meet the special service and placement needs of the child.

To determine if the prospective adoptive parent(s) can meet the special service and placement needs of the child:

- review the completed comprehensive plan of care
- convene a meeting or a conference call with
 - the adoption worker for the prospective adoptive parent(s)
 - that worker's supervisor/team leader
 - your supervisor/team leader
- review the worker's assessment of the prospective adoptive parent(s)' understanding and capacity to meet the needs of the child
- when the participants in the meeting or conference call agree that the child and the prospective adoptive parent(s) are well suited to each other, obtain the written approval of your supervisor/team leader on the signed comprehensive plan of care.

After you have determined that the placement is to proceed:

- contact the adoption worker for the prospective adoptive parent(s) to initiate the negotiations of an openness agreement
- if birth parent(s), relatives or others have requested openness with a child in the continuing custody of a director under the *CFCSA*, the decision whether to place the child with prospective adoptive parent(s) is based on the best interests of the child, not on the prospective adoptive parent(s)' willingness to agree to the openness requests of the child's birth parent(s)
- assist in completing the openness agreement, wherever possible prior to the placement of the child
- request that prospective adoptive parent(s) make a video or family photo album to assist in preparing the child for pre-placement visits
- follow the agreed-to plan and make arrangements with the prospective adoptive parent(s)' adoption worker for pre-placement visits (refer to Practice Standard 28)
- provide Adoption Branch with the name of the selected prospective adoptive parent(s), so that Adoption Branch can make the written family assessments of prospective adoptive parent(s) not chosen available for other children
- detach and complete the Homestudy Feedback sheet from the written family assessments of the prospective adoptive parent(s) not chosen and send them to the district office responsible for the prospective adoptive parent(s), with a copy to Adoption Branch
- return the written family assessments of the prospective adoptive parent(s) not chosen to Adoption Branch and ensure that no copies or identifying information remain in the district office file, and
- contact the adoption workers for any other prospective adoptive parent(s) you were considering to inform them that you have chosen another family.

Birth parent(s) may keep a copy of the written family assessment with the written consent of the prospective adoptive parent(s).

When proposing a placement to caregiver(s):

- apply all the practice standards in this chapter
- after receiving the approved written family assessment from the adoption worker for the caregiver(s), provide the worker with all required documentation on the child, including the comprehensive plan of care
- the adoption worker for the caregiver will complete the comprehensive plan of care and return it to you with a copy of the caregiver(s)' written acknowledgement of the information provided (refer to Appendix), and

- if the comprehensive plan of care is approved by your supervisor/team leader, the adoption proceeds as with other adoptions, with the exception that pre-placement visits will not occur.

For information regarding transferring care and custody to the caregivers by signing the Adoption Placement Agreement, refer to Practice Standard 29.

PRACTICE STANDARD 28

Pre-placement Visits

When a child is moving to an adoption placement, you must:

- develop a written plan for pre-placement visits specifying the frequency and nature of visits based on the child's age and specific needs
- ensure the plan is shared with the child and the prospective adoptive parent(s)
- prior to beginning pre-placement visits, ensure you have met all of the requirements of Practice Standards 25 and 27
- consult with the child and consider the child's views (refer to Practice Standard 2)
- when an infant has been voluntarily placed for adoption under the *Adoption Act* and has resided with a caregiver, ensure that pre-placement visits are of two-day duration
- review and revise the plan to ensure it allows for additional visits to meet the child's and the prospective adoptive parent(s)' emerging needs as the visits proceed, and
- ensure the child has the opportunity to return after pre-placement visits to the home of the caregiver.

To determine if the child is ready to move to the home of the prospective adoptive parent(s), you must:

- consult with the child and consider the child's views to determine if as a result of pre-placement visits the child is ready to move to the home of the prospective adoptive parent(s) (refer to Practice Standard 2)
- if the child is 12 years of age or older, meet with the child privately to take the child's consent to adoption and name change
- consult with the child's caregivers and other professionals who know the child
- consult with the adoption worker for the prospective adoptive parent(s) to determine the worker's assessment about their readiness to receive the child
- when there is no consensus about the child's preparedness to move, involve your supervisor/team leader and your regional manager responsible for adoption.

You must assess the information obtained and confirm the readiness of the child and the prospective adoptive parent(s) to proceed with the adoption placement.

Commentary

Pre-placement visits are a series of contacts, usually of progressive frequency and duration carefully planned to move the child and prospective adoptive parent(s) toward placement. They may begin once your supervisor/team leader has approved the placement. The nature and frequency of the visits are based on the child's age and specific needs.

The purposes of pre-placement visits are to:

- enable the child and prospective adoptive parent(s) to become acquainted
- assist the child and prospective adoptive parent(s) in determining whether they wish to proceed with the adoption
- prepare the child to join the prospective adoptive family and ease the child's transition to his or her new home
- promote the establishment of new attachments for the child, and
- help the child to begin the process of detaching from their current caregivers and begin the process of attaching to their prospective adoptive parent(s).

A plan for pre-placement visits is made for all children, including infants whose visits may occur in the hospital prior to release into the prospective adoptive parent(s)' care and custody. Pre-placement visits are important to assist the child emotionally in detaching from the previous caregiver, particularly when the child has spent significant time with that caregiver, and attaching to the new family. The plan pays particular attention to this transition, and is carefully crafted depending on the experiences and feelings of the child, including those of grief and loss. The goal is to minimize harm to the child and to ensure the new attachment can take place.

As the pre-placement schedule of visits unfolds, ongoing support should be provided to the child, the prospective adoptive parent(s) and the caregivers.

Prospective adoptive parent(s) may have to remain in, or return to, the child's community, depending on the pre-placement visiting plan and the progress made toward placement. Pre-placement visits may also be made by the child, or by the caregiver(s) and the child, to the prospective adoptive parent(s)' home.

Prospective adoptive parent(s) are expected to travel at their own expense to the child's community for visits. However, when the expenses of pre-placement visits for a child in continuing custody impose a hardship for prospective adoptive parent(s), their adoption worker can provide financial assistance.

When determining whether the child is ready to move into the adoptive home, the best interests of the child is the paramount consideration. The adoption worker for the prospective adoptive parent(s) usually assesses whether the prospective adoptive parent(s) are ready to accept the child into their home. If at all possible, a pre-placement visit schedule should allow time for prospective adoptive parent(s) to return to their home community and discuss the proposed placement with their adoption worker. Only when all parties have agreed does the placement proceed.

Occasionally birth parent(s) of a child in the continuing custody of a director under the *CFCSA* will be involved in the pre-placement visits. This usually occurs only when the adoption is to be fully disclosed and/or birth parent(s) have access. This involvement is determined on an individual basis, considering the best interests of the child, the ongoing access and the wishes of the prospective adoptive parent(s) and birth parent(s).

Suggestions for Pre-placement Visits can be found in the Appendix.

Guidelines

A written plan for pre-placement visits:

- is made for all children including infants placed from hospital when their birth parent(s) are planning adoption by consent under the *Adoption Act*
- identifies those who are involved and consulted during the pre-placement visiting process
- identifies how the plan will be shared with the child according to his or her capabilities (refer to Practice Standard 2)
- identifies the nature and frequency of visits based on the child's unique needs to detach from their current caregivers and to begin the process of attaching to the prospective adoptive parent(s)
- is revised to include additional visits as the child's and the prospective adoptive parent(s)' changing needs become apparent
- ensures that the child returns to the home of the caregiver and is allowed sufficient time to reflect on the proposed placement in a secure and familiar environment
- if possible, allows time for the prospective adoptive parent(s) to return to their home community to discuss the proposed placement with their adoption worker

- identifies a consultation process to assess and determine the readiness of the child and the prospective adoptive parent(s) for the child's move to their home
- is recorded in the child's comprehensive plan of care.

When a child has been residing with one or more caregivers for an extended period of time, the plan should allow for more time and take into account the child's particular needs.

When planning pre-placement visits for a newborn infant voluntarily placed for adoption by a birth mother

- When a comprehensive plan of care is not required, the plan for pre-placement visits is recorded through electronic mail and retained on the file.
- If the child is to be placed with the prospective adoptive parent(s) directly from the hospital, their visits may take place in the hospital immediately preceding placement - ensure the hospital is aware of the arrangement and will assure confidentiality if required.
- When the infant has resided with a caregiver prior to placement, pre-placement visits are of two-day duration to allow sufficient time for the prospective adoptive parent(s) to learn the child's care needs and routines.
- Provide opportunities for the caregiver, birth parent(s) or hospital staff to discuss the care and routine and needs of the child with the prospective adoptive parent(s), including formula and any medications.
- Allow sufficient time for the child to make the transition from the caregiver or birth parent(s) to the prospective adoptive parent(s) – this time ensures the prospective adoptive parent(s) and infant get to know each other and routines are learned and practised together with the caregiver or birth parent(s) to reduce the child's anxiety.
- Provide prospective adoptive parent(s) and the child time alone together.
- If the child has special needs, allow additional time to ensure the child's particular needs and routines are thoroughly understood.

When prospective adoptive parent(s) arrive for the first pre-placement visit

- If you have not previously met the prospective adoptive parent(s), ask to see their identification.

To assess the readiness of the child and the prospective adoptive parent(s) for the placement to proceed:

- have a private discussion with the child after the pre-placement visits to determine if he or she is ready to move to the home of the prospective adoptive parent(s) (refer to Practice Standard 2)
- take the consent to adoption and name change of a child 12 years of age or over (refer to Practice Standards 39 and 40)
- consult with the child's caregivers and other professionals who know the child
- consult with the adoption worker for the prospective adoptive parent(s) to determine the worker's assessment about the prospective adoptive parent(s)' readiness to receive the child
- after consulting those who know the child and the prospective adoptive parent(s), confirm the readiness of the child and the prospective adoptive parent(s).

If there is disagreement regarding the readiness of the child to move

- consult with your supervisor/team leader and your regional manager responsible for adoption
- consider a specialized independent consultation and assessment
- consider, if necessary, which process or protocol to follow to resolve any dispute (refer to Practice Standard 5).

PRACTICE STANDARD 29

Placing a Child who is in Continuing Custody

Prior to placing a child who is in continuing custody, you must:

- ensure placement proceeds only when you have determined that the child and prospective adoptive parent(s) are ready (refer to Practice Standard 28)
- ensure that the child who is eligible has been designated for post-adoption assistance
- facilitate any agreed upon openness contact between birth family, caregivers and prospective adoptive parent(s)
- prepare the Adoption Placement Agreement for the prospective adoptive parent(s), and
- request that the adoption worker for the prospective adoptive parent(s) conduct a new prior contact check if more than 30 days has passed since the one done at the time of proposal.

At the time of placement, you must:

- transfer care and custody to the prospective adoptive parent(s) by signing and obtaining their signatures on the Adoption Placement Agreement
- ensure that either you or the adoption worker for the prospective adoptive parent(s) is present as the Director of Adoption's representative when they receive the child, and
- provide the prospective adoptive parent(s) with the child's Life Book, Health Care Passport, personal property and mementos.

Commentary

The requirements of the *CFCSA* apply after a child in continuing custody under that act is placed, and until the adoption order is granted. The Adoption Placement Agreement defines the responsibilities to the child of the prospective adoptive parent(s) and of the director during the post-placement period.

The responsibilities of the adoption worker for the birth parent(s) after the child is placed are described in Practice Standard 56.

Guidelines

Prior to Placement:

- ensure that the child who is eligible has been designated for Post-adoption Assistance (refer to Practice Standard 24)
- facilitate any agreed upon openness contact between birth family, caregivers and prospective adoptive parent(s)
- ensure that placement proceeds only when the child and prospective adoptive parent(s) are comfortable with the move
- prepare the Adoption Placement Agreement (CF0325) for the prospective adoptive parent(s)
- request that the adoption worker for the prospective adoptive parent(s) conduct an additional prior contact check if more than 30 days has passed since the one done at the time of proposal.

At the time of placement, ensure that:

- either you or adoption worker for the prospective adoptive parent(s) is present
- if you were not the adoption worker involved in pre-placement visits, ask to see the identification of the prospective adoptive parent(s)
- if driving, the prospective adoptive parent(s) have an approved car seat for a young child
- the child has the opportunity to say goodbye to caregivers and friends in private
- the child's non-identifying Life Book, Health Care Passport (CF2601), personal property and mementos go with the child to the new home (refer to Practice Standard 7 for instructions on deleting identifying information).

When transferring care and custody using the Adoption Placement Agreement (CF0325)

Review the Adoption Placement Agreement (CF0325) with the prospective adoptive parent(s), including:

- the transfer of care and custody enables the prospective adoptive parent(s) to
 - authorize a health care provider to examine the child
 - consent to routine health care for the child, if in the opinion of the health care provider, health care should be provided
 - consent to the child's participation in school, social or recreational activities
- the director retains guardianship of the child until the adoption order is granted and, as guardian, only the director can consent to medical treatment that has significant risk associated with it, such as surgery
- the obligations of the prospective adoptive parent(s), which include
 - applying for medical coverage for the child under the British Columbia Medical Services Plan, as soon as practical
 - ensuring the child's immunizations remain current
 - compliance with any written access order in favour of the child's parent(s) or other person
 - compliance with the child's section 70 rights under the *CFCSA*
 - advising the director immediately of any serious incidents as outlined in the appendix to the agreement
 - obtaining the director's approval to take the child outside British Columbia
 - compliance with the standards of care outlined in the appendix to the agreement
 - compliance with the ministry's behaviour management practices
 - adherence to the director's suggested Safety and Emergency Practices as outlined in the appendix of the agreement
 - immediately advising the director of significant changes affecting any member of the household, including but not limited to: the onset or recurrence of a serious illness; a serious injury; or a criminal charge or conviction.

When transferring care and custody to the prospective adoptive parent(s)

- have them sign two copies of the agreement
- place the agreement on the (CS) file
- give a copy of the agreement to the prospective adoptive parent(s).

CHAPTER 4:

Adoption Planning with Birth Parents: Pre-placement and Placement

Your role in working with birth parents who are exploring an alternative permanent plan for a child is to provide them with the information, support and assistance they need to make a fully informed decision. Birth parents need to be aware of all available alternatives, and to understand their options for maintaining ties with the child through their choice of placement or through openness agreements. They also need to be aware of the lifelong implications of their decision to make an adoption plan.

Adoption planning with birth parents requires sensitivity to their feelings of grief and loss and awareness of how separation and loss affect decision making and their lifelong impact on birth parents and their extended families. When exploring permanency plans for a child, a plan to place the child with the birth family should be considered wherever possible.

The standards in this chapter apply only where birth parents are voluntarily planning a ministry-arranged adoption under the *Adoption Act*. Standards for adoptions not arranged by the ministry are covered in Chapters 11 and 12.

Before working with birth parents who are voluntarily planning adoption, it is helpful to review the applicable standards in Chapter 3: Adoption Planning for the Child, as a number of those standards are referenced in this chapter or apply in addition to the standards in this chapter.

PRACTICE STANDARD 30

Providing Information about the Alternatives to Adoption and Adoption

When birth parent(s) are considering an adoption plan, and before placing a child for adoption, you must provide them with information, in a balanced and non-judgmental manner, about:

- the alternatives to adoption, including:
 - medical options
 - parenting the child, and the support services available to assist them
 - relatives parenting the child
 - the other birth parent parenting the child
 - short-term foster care to allow time to make a permanent plan, and
- adoption.

In addition, you must:

- advise the birth parent(s) of their right to obtain independent legal advice, and
- complete the Birth Parent's or Guardian's Statement of Alternatives to Adoption with birth parent(s) to acknowledge that the information has been discussed.

Commentary

Adoption Act
s. 6(1)(a)

The *Adoption Act* requires that prior to an adoption placement, birth parent(s) are provided with information about adoption and its alternatives. Birth parent(s) who are considering adoption for their child are making a complex decision that has lifelong implications for the child, themselves and their extended family. Complete and accurate information about adoption and its alternatives is essential to help birth parent(s) decide whether adoption is the best option for them and for the child.

The decision whether to place a child for adoption is a right of the birth parent(s) or guardian(s), unless the child is in the continuing custody of a director under the *CFCSA*. It should be made without pressure and with full consideration of alternative plans. Information about associated support services assists birth parents in their decision as it helps them to plan for the best interests of the child. Birth parent(s)' consent to adoption must be voluntary and informed, and given without pressure.

In providing adoption services to birth parent(s), it is important to consider the emotional conflicts inherent in making a decision to place a child for adoption, and provide the time and support necessary for birth parent(s) through this difficult decision. The transfer of parental rights through the taking of consents should be done only after birth parent(s) have considered all alternatives and have had the opportunity to make a decision that they feel is best for themselves and for the child. It is critical that birth parent(s) understand the complexity and the long-term implications of their decision.

Guidelines

When providing information to a pregnant birth mother before the birth of her child:

- where available, consider referring her for pregnancy counselling through a community resource
- when the birth mother is under 19 years of age, and is in immediate need of services, she may benefit from information about available support services from a ministry protection worker.

When assisting a birth mother to assess her need for services, consider including the following in your discussion:

- a review of her medical circumstances, including:
 - the due date of the child
 - whether there has been prior contact with a community organization or health service regarding the pregnancy
 - the need for medical services if she is not receiving prenatal care
 - the availability of prenatal classes that include preparation for labour and delivery
 - the importance of proper nutrition
 - information about smoking, alcohol and drug use during pregnancy
 - her understanding of the physiological and emotional changes that accompany pregnancy
- her health
- the effect of her pregnancy on her relationships, including whether others know about the pregnancy, are involved and are providing emotional support
- the level of support available to her
- her level of stress resulting from the pregnancy or other causes
- her level of self-esteem
- the impact of her pregnancy on her social life
- her sense of isolation
- whether she is experiencing depression
- her ability to make plans
- the impact of cultural and religious values and attitudes toward her pregnancy
- her accommodation arrangements and whether she needs assistance in making alternate plans
- her financial options including:
 - support from parents or family members
 - support from the birth father
 - employment
 - receiving employment insurance or maternity benefits
 - receiving assistance through the B.C. Benefits program
- the effect of her pregnancy on her education
- the effect of her pregnancy on her employment and her eligibility for employment insurance or maternity benefits, and
- any other areas of concern she identifies.

When informing birth parent(s) that medical options may be an alternative to adoption, include the following in your discussion:

- if a birth mother is in the early stages of pregnancy, she may wish to discuss with her physician or a pregnancy counsellor the possibility of terminating the pregnancy
- if a birth mother is under the age of 19, section 17 of the *Infants Act* gives her the right to consent to health care when the health care provider is satisfied that she understands the nature and consequences of the health care, and has determined that the health care is in her best interests.

(Health care providers are required to provide confidential health care to a young person who requests it if they are satisfied that the young person has the capability to look after his or her own health care needs and if it has been determined that the health care is in the young person's best interests.)

When informing birth parent(s) that parenting the child may be an alternative to adoption, encourage them to consider:

- the availability of resources helpful in fulfilling their parental responsibilities, including:
 - family, extended family, friends, physician
 - daycare
 - medical care
 - community programs that provide information on child care and parenting skills
 - home visits by a community health nurse
 - single parent support groups
 - culturally supportive community services
 - income assistance
 - community counselling services
 - educational programs for expectant parents
 - financial support for the child from the other birth parent
 - neighbourhood houses, community kitchens/gardens
- parenting the child with support services provided under the *CFCSA* including:
 - Infant Development Program
 - At-Home Respite Benefits
 - Respite Relief Services
 - Child Care Worker Services
 - Homemaker/Home Support Worker Services
 - Parent Support Services for Families with Children with Special Needs
 - Professional Support Services for Children with Special Needs
 - an agreement with the parent of a child with special needs for care and custody of the child, while the parent retains guardianship
- their feelings about how parenthood might affect their education, employment, social life, relationships, finances, health and personal stress.

When informing birth parent(s) that a relative parenting the child may be an alternative to adoption, encourage them to consider:

- that under section 1 of the *Adoption Act* "relative" means a person related to another by birth or adoption
- the birth parent(s)' relationship with the relative and the advantages and disadvantages of the placement
- the relative's knowledge of and feelings about the adoption plan

- whether the plan to place the child with the relative is the birth parent(s)' plan or whether it has been made to please a family member
- the relative's acceptance of the birth parent(s) feelings about the child changing over the years
- whether the birth parent(s) and relative have the same expectations of an ongoing relationship
- obtaining independent legal advice about:
 - the *Family Relations Act*
 - the process for completing a relative adoption.

When informing birth parent(s) that the birth father parenting the child on his own may be an alternative to adoption, encourage them to consider:

- the birth father's desire to parent the child and whether his circumstances enable him to meet the needs of the child
- the extent of the ongoing relationship between the birth mother and the birth father and whether the contact will continue
- the birth mother's feelings about the birth father raising the child if he is single or in a relationship with someone else.

Advise birth parent(s) considering this option to seek legal advice regarding their rights and obligations.

When informing birth parent(s) that short-term foster care may be an alternative to adoption, encourage them to consider:

- if the child is a newborn, foster care should be for a brief time only so that the child can move into a permanent home as soon as possible
- a Birth Parent Pre-placement Agreement when they are undecided about their plan for the child and require more time to make a decision (refer to Practice Standard 37)
- a Voluntary Care Agreement as a short-term plan for the child when they indicate that they wish to parent the child, but require time to prepare to parent the child; birth parent(s) should be aware that:
 - a delay in planning may affect the bonding process between parent and child and the child's need for permanence
 - that they would then be referred to a family service worker.

For more information, refer to *Practice Standards for Voluntary Care Agreements*.

When providing information about adoption, explain to birth parent(s) the legal meaning of adoption and its lifelong implications, and include the following:

- adoption is a legal process legislated by the *Adoption Act*
- consenting to adoption extinguishes the birth parent(s)' rights and responsibilities to the child, including guardianship of the child
- the adoption order transfers parental rights and responsibilities from the birth parent(s) to the prospective adoptive parent(s)
- it is natural for the birth parent(s) to experience feelings of physical, emotional and psychological loss
- when the child's adoption placement occurs, the connection to the child should be recognized and the loss mourned.

Additional information about adoption to provide and discuss with the birth parent(s) includes:

- the availability of counselling support services and birth parent support groups in their community
- the options of adoption planning and placement through the ministry or through a licensed British Columbia adoption agency
- the option of placing the child for adoption with a relative:
 - does not require the involvement of the ministry or a licensed British Columbia adoption agency
 - birth parent(s) should obtain independent legal advice about this option
- the option of placing the child for adoption with prospective adoptive parent(s) through a direct placement (refer to Chapter 11)
- the option of requesting that the same adoptive family that has previously adopted the child's sibling consider adopting the child (refer to Practice Standard 21)
- aspects of the *Adoption Act* major impact, such as:
 - consent requirements (refer to Practice Standard 39)
 - notification to a birth father whose consent is not required (refer to Practice Standard 32)
 - revocation rights (refer to Practice Standard 42)
 - their right to choose an adoptive family
 - openness and the range of options, from closed adoption, where only non-identifying information is exchanged, through to fully disclosed adoption (refer to Chapter 2: Openness)
 - the requirement to provide written notice to anyone with access to the child under a court order or by an agreement enforceable as an order under the *Family Relations Act*
 - notifications to birth parent(s) of the status of the adoption and of the adoption order (refer to Practice Standard 35)
 - access to information when the adopted person is 19 years old (refer to Chapter 13)
- the adoption worker's role in assisting with the adoption plan once the baby is born, including:
 - planning for the child's interim care prior to placement, if required
 - placing the child directly from hospital prior to the signing of consents
- no fees are charged for adoption services to birth parent(s).

When advising birth parent(s) of their right to obtain independent legal advice:

- inform them of the services available through Legal Services Society to children and families who cannot afford a lawyer
- inform them that when a birth parent is a child in the care of a director under the *CFCSA*, he or she is entitled to receive independent legal advice from a lawyer outside of the ministry:
 - if the birth parent is in voluntary care and wishes to speak with a lawyer, refer him or her to Legal Services Society
 - for all other birth parent(s) in care who wish to speak with a lawyer, contact Adoption Branch who will contact Legal Services Branch to appoint outside counsel.

When providing the above services, open an (AS) file for the birth parent(s):

- information about the birth parent(s) and the child will be kept on this file
- see the Appendix in *Administrative Procedures and Guidelines for Adoption Services* for a checklist of documents and recordings that substantiate that the pre-placement requirements of the *Adoption Act* have been met
 - these are required to complete the adoption
 - include the checklist in the file
- the (AS) file remains open until:
 - birth parent(s) make a decision not to place the child for adoption, or
 - after the child is placed, and all post-placement responsibilities to the child and birth parent(s) have been met (see Practice Standards 55 and 57)
- no information about prospective adoptive parent(s) is included on the (AS) file.

Complete the Birth Parent's or Guardian's Statement of Alternatives to Adoption (CF1025) with the birth parent(s):

- after the alternatives to adoption have been fully discussed
- at a separate time from when consents are taken, as consents are only taken when birth parent(s) are free of pressure, and
- retain the original on the birth parent(s)' (AS) file.

PRACTICE STANDARD 31

Working with the Birth Parent(s) of an Aboriginal Child

When the birth parent(s) of an Aboriginal child are voluntarily planning adoption under the *Adoption Act* in addition to providing information on adoption and its alternatives as described in Practice Standard 30, you must:

- explain the benefits and importance to the child of involving the birth parent(s)' Band or Aboriginal community
- provide information about available Aboriginal support services and, if possible and appropriate, link birth parent(s) with those services, and
- inform birth parent(s) that custom adoption may be recognized by the court as having the same effect as an adoption under the *Adoption Act*.

When the birth parent(s) of an Aboriginal child request placement of the child under the *Adoption Act* unless the birth parent(s) or the child 12 years of age or older objects, you must make reasonable efforts to involve in discussions about the adoption plan the designated representative of one of the following, as appropriate:

- the Band with which the child is registered or entitled to be registered
- the Aboriginal community identified by the birth parent(s), or
- the Nisga'a Lisims Government if the child is a Nisga'a child.

If the birth parent(s) or the child 12 years of age or older object to a discussion about the adoption plan with the designated representative, you must respect their wishes.

After the birth parent(s) of an Aboriginal child make an adoption plan, you must:

- apply to register the child for status under the *Indian Act* if he or she may be entitled, and
- apply to register the child for membership within his or her Band if he or she may be eligible, or
- apply to register the child for citizenship under the Nisga'a Lisims Government if the child is a Nisga'a child.

Commentary

Adoption Act
s. 3(2)

When discussing the best interests of an Aboriginal child with the birth parent(s), the *Adoption Act* requires that you consider the importance of preserving the child's cultural identity. Birth parent(s) of an Aboriginal child should be encouraged to consider resources and support within the Aboriginal community. These resources may help them to care personally for their child or to place the child with an Aboriginal family. They may also wish to consider a custom adoption, which may be recognized by the court as having the effect of an adoption under the *Act*.

Adoption Act
s. 46

Adoption Act
s. 7(1)

This standard also represents the statutory requirements that reasonable efforts be made to discuss the child's adoption placement with a designated representative of the child's Band, Aboriginal community or the Nisga'a Lisims Government. For direction on making reasonable efforts, refer to Practice Standard 16.

Discussions with the designated representative about the child's permanence include a request for suggestions of possible placement options and a discussion about a specific adoption plan. These requirements reflect both the importance of preserving the child's cultural identity and the fundamental role of the child's Band or Aboriginal community in preserving the child's connection with his or her ancestry.

Adoption Act
s. 7(2)

If birth parent(s) or a child aged 12 or older objects to a discussion about the child's adoption placement with the child's Band, Aboriginal community, or the Nisga'a Lisims Government, then their wishes must be respected. Under the *Act* birth parent(s) planning adoption by consent have the right to make decisions about the child's adoption plan.

Adoption Act
s. 62(1)

In order to preserve the child's cultural identity and heritage, the name and location of the child's Indian Band, Aboriginal community or Nisga'a Lisims Government may be disclosed to the Aboriginal child's prospective adoptive parent(s) during the planning process or to the adoptive parent(s) when information is requested after the adoption order has been granted.

Adoption Act
s. 62(2)

Similarly, identifying information about an Aboriginal child or a Nisga'a child [with the written consent of the adoptive parent(s) after the adoption order is granted] may be disclosed to the child's Indian Band, Aboriginal community or Nisga'a Lisims Government so the child may be contacted. As a result, birth parent(s) who object to discussions taking place cannot be guaranteed that the adoption placement will remain private from their Band, Aboriginal community, or the Nisga'a Lisims Government. In addition, a child does not lose his or her Aboriginal rights after adoption, and providing a child with Band membership may result in an unintentional release of information to any of the parties.

Adoption Act
s. 37(7)

Guidelines

When providing information about the alternatives to adoption as outlined in Practice Standard 30:

- see "Determining whether the child is Aboriginal" in Practice Standard 16
- provide information as required in the relevant sections of Practice Standard 30
- provide information about the option of planning for the child through their Band, the Aboriginal community with which they identify, or the Nisga'a Lisims Government.

When providing information about adoption to birth parent(s) of an Aboriginal child:

- provide information as required in the relevant sections of Practice Standard 30
- discuss with the birth parent(s) their views about the importance to the child of permanence within a family that will assist the child to develop an identity with his or her Aboriginal community (refer to Practice Standard 18 for planning options that assist the child to learn about his or her unique cultural identity)
- advise the birth parent(s) that while it is in the child's best interests to have permanence within a family that will assist the child to develop an identity with his or her Aboriginal community, the availability of approved Aboriginal adoptive families is limited:
 - every effort will be made to find an Aboriginal adoptive family that meets the needs of the child, but
 - an Aboriginal family may not be found for the child
- advise them about the provision in the *Adoption Act* for custom adoption (refer to Practice Standard 4).

When the birth parent(s) of an Aboriginal child request placement under the *Adoption Act*:

- consult with the child and consider his or her views about adoption (refer to Practice Standard 2)
- determine whether or not the child 12 years of age or older objects to a discussion about the adoption plan with the designated representative of the child's Band, Aboriginal community or the Nisga'a Lisims Government (refer to "Assisting the Child in Making an Informed Decision" in Practice Standard 18)

- ask the birth parent(s) if they object to a discussion about the adoption plan with the designated representative of the child's Band, Aboriginal community or the Nisga'a Lisims Government
- if both birth parents are involved in the adoption plan:
 - they jointly decide whether to discuss the child's placement with the Band or Aboriginal community and with which community the discussion will take place
 - if they cannot agree, the birth parent who has guardianship of the child determines whether discussions will take place and with which community
 - if there is a question about guardianship, or guardianship is being contested, refer the birth parent(s) to a lawyer
- if the birth parent(s) object to discussions taking place with the child's Band or Aboriginal community:
 - advise them that the *Adoption Act* does not guarantee that the adoption placement will remain private from their Band, as the *Act* also ensures that a child does not lose his or her Aboriginal rights after adoption, and providing a child with Band membership may unintentionally result in the disclosure to the Band of the child's birth name
 - respect their wishes
 - record their reasons on file, and
 - consult with your supervisor/team leader about any concerns arising from the objection
- for instruction on contacting the designated representative of the child's Band or Aboriginal community and involving the representative in discussions about adoption planning, and for planning options that assist in preserving an Aboriginal child's unique cultural identity, refer to Practice Standard 18.

When applying to register a child for status under the *Indian Act* or for citizenship under the Nisga'a Lisims Government:

- refer to Practice Standard 18, and
- refer to Guardianship Practice Standard 9.

A free publication, "Adoption and the Indian Child," provides information on benefits and is available from Department of Indian Affairs and Northern Development (refer to the Appendix for the address).

If questions remain, contact your regional Aboriginal Services Manager, Aboriginal Services Branch or Adoption Branch.

PRACTICE STANDARD 32

Involving and Notifying the Birth Father

You must advise a person who believes he is the birth father of a child who may be placed for adoption:

- of his right to register on the Birth Fathers' Registry
- that if he acknowledges paternity his consent to adoption may be required
- of the options of openness and reunion, and
- of his right to seek independent legal advice.

When a birth father is involved in the adoption process, you must:

- follow all appropriate planning practice standards with him as you would with a birth mother, and
- if adoption remains the plan, obtain his consent (refer to Practice Standard 40).

When a birth mother voluntarily requests adoption planning and the birth father is not involved, before placing the child for adoption, you must:

- discuss with her the importance to the child of naming the birth father
- inform her of the implications of naming or not naming the birth father
- inform her about the Birth Fathers' Registry and its purpose
- advise her of her right to seek independent legal advice
- make reasonable efforts to provide the birth father with notice of the proposed adoption, except in those situations where the pregnancy is the result of sexual assault by the birth father, and
- determine if the consent to adoption is required for the man named by the birth mother as the child's birth father (refer to Practice Standard 39).

When a birth mother is unwilling to name the birth father, you must contact Adoption Branch for further direction on how to proceed.

After making reasonable efforts to notify the man named by the birth mother as the child's birth father of the proposed adoption, wherever possible before placement you must:

- if he cannot be located, apply as early as possible to the court for an order for substitutional service or an order to dispense with notice
- ensure that whenever possible and appropriate he is involved in adoption planning for the child, and
- if adoption remains the plan and his consent is required, obtain his consent or determine whether the circumstances are such that an application should be made to the court to dispense with the consent.

Commentary

This standard reflects the recognition within the *Adoption Act* that the involvement of birth fathers in adoption planning has lifelong significance to the child. When a birth father is involved in the adoption plan, the child has the opportunity throughout life to resolve key identity issues, whether through background information gathered from the birth father, maintaining contact through openness agreements, or reunion upon reaching adulthood.

Adoption Act
s. 6(1)(c)

The birth father's involvement is also essential to meeting your responsibility to obtain, prior to adoption placement, as much information as possible about the medical and social history

of the child's biological family. It is your responsibility to explore the option of the birth father parenting the child, as well as the option of the birth father's extended family parenting the child.

In addition, the *Adoption Act* recognizes that birth fathers have rights and interests in planning for children. Birth fathers have the same entitlement as birth mothers to receive information about adoption and the alternatives to adoption. Since the proclamation of the *Act*, court decisions appear to have further expanded the rights of birth fathers. The area of birth father's rights is rapidly changing and will continue to evolve.

Adoption Act
s. 13(1)(c);
s. 13(2)

Your responsibility for involving the birth father is clear under the *Act* if he qualifies legally as the child's father. The *Act* requires the consent of the child's father for the child's adoption, and provides a definition of the child's father for the purpose of giving consent. It is important to recognize that the legal status of the birth father can change. If he is named by the birth mother and then acknowledges paternity, or if he is registered on the Birth Fathers' Registry and is then acknowledged by the birth mother, his consent to the adoption is required. (For further direction on required consents, refer to Practice Standard 39).

Adoption Act
s. 13(2)(e)(f)

Adoption Act
s. 6(1)(g)

In addition there are two requirements under the *Act* to make reasonable efforts to give notice of the proposed adoption before the child is placed, to anyone:

- named by the birth mother as the child's birth father, if his consent is not required under the *Act* or
- registered on the Birth Fathers' Registry

For direction on making reasonable efforts to notify a man named by the birth mother as the child's birth father, and whose consent is not required, refer to Practice Standard 8.

Adoption Act
s. 10

When a man believes he is the birth father of a child who may be placed for adoption, he can register with the Birth Fathers' Registry to receive notice of a proposed adoption. This provides the birth father with an opportunity to be involved early in planning for the child. Reasonable efforts to notify a birth father registered on the Birth Fathers' Registry are defined in the *Adoption Regulations* (refer to Practice Standard 33).

Adoption Reg.
s. 15

Adoption Act
s. 11

While a birth father has the right to receive notice of a proposed adoption, the court may grant an order dispensing with notice if it is satisfied that this is in the best interests of the child or that there are other circumstances to justify dispensing with notice. When an application to dispense with notice is made, it is essential that factual information supporting the application be submitted to the court.

While an application to dispense with notice to the birth father may be joined with the application for the adoption order, whenever possible, the application to dispense with notice should be brought before making application for the adoption order. If the court does not grant the order dispensing with notice, finalizing the adoption for the child will be delayed. This uncertainty is not in the best interests of the child as it may jeopardize the stability of the child's adoption placement.

Because the involvement of the birth father in planning for a child's permanency and adoption can be complex, if any issues or concerns arise, consult with your supervisor/team leader, regional manager responsible for adoption and Adoption Branch.

Guidelines

Provide the following information to a person who believes he is the birth father of a child who may be placed for adoption:

- He has the options of openness and reunion with the child placed for adoption (see Chapter 2: Openness and Chapter 13: Post-adoption Services).
- He has the right to seek independent legal advice including information about an application to the court under the *Family Relations Act*.
- If he is named by the birth mother as the child's father and acknowledges paternity, his consent to adoption will be required.
- He may register with the Birth Fathers' Registry to receive notice of a proposed adoption.
- The *Act* requires that a search be made of the Birth Fathers' Registry before an adoption placement.
- If his registration matches the search request information, he will receive notice of the proposed adoption.
- If he is registered on the Birth Father's Registry as the child's father and is acknowledged by the birth mother as the father, his consent to adoption will be required.
- If he resides out of province he may register, but will only receive notice if the proposed adoption is taking place in British Columbia, as no other jurisdiction has a requirement to search the registry.
- He may register before the birth of the child and up to 150 days after the date of the notice of placement, which is provided by the prospective adoptive parent(s).
- He registers by completing the Birth Fathers' Registry Application (CF2653) (available on the Internet; see Appendix for the web site address) and submitting proof of identity with his application (see Appendix for the address of the Birth Fathers' Registry).
- It is his responsibility to ensure the Birth Fathers' Registry is informed of changes to the information in his application, including changes of address.
- A written acknowledgement of acceptance will be sent to him within five days of registration.
- His registration remains active until:
 - he sends written notice requesting the cancellation of the registration
 - a search request matches the information he has provided
 - the court has dispensed with notice to the birth father, or
 - the child turns 19 years of age.

When discussing with the birth mother the importance to the child of naming the birth father, include the following benefits of having the birth father involved in the adoption plan:

- the child might have the opportunity of a placement with the birth father or within the birth father's extended family
- the child will have a fuller sense of identity and answers to questions about his or her background
- the child will have a full and complete medical and social history from the birth father and his extended family
- the child may have the opportunity for openness with his or her birth father or the birth father's extended family, and

- the child may have the opportunity of a reunion with the birth father.

When informing the birth mother of the implications of naming or not naming the birth father:

- discuss the importance of balancing her personal concerns with the best interests of the child and the rights of the birth father in order to encourage her support for the birth father's involvement
- advise her she is not legally required to name the birth father, although:
 - it is usually in the best interests of the child for him to be involved
 - at the time of the adoption completion the court will require the reasons the birth father was not named and the court has demonstrated preference for the birth father to be named
- when she names the birth father, the *Adoption Act* requires that he be notified about the proposed adoption
- when she names the birth father and he acknowledges paternity, his consent to the adoption is required under the *Act*
- if she does not name the birth father and he comes forward after the child is placed:
 - the child's permanence and stability could be at risk
 - the prospective adoptive parent(s) could be faced with additional legal fees
- if she is concerned that contact with the birth father could pose a safety risk to her or the child, to seek legal advice for assistance in obtaining a restraining order or no contact order
- if the pregnancy is the result of a sexual assault by the birth father, in order to avoid further victimization of the birth mother, the court may determine, upon application, whether to dispense with notice, and
- of her right and opportunity to seek independent legal advice.

Inform the birth mother about the Birth Fathers' Registry before making a search request of the Registry, and include the following:

- the *Act* requires that a search be made of the Birth Fathers' Registry before an adoption placement
- a birth father may register before the birth of a child and up to 150 days after the date of the notice of placement, which is provided by the prospective adoptive parent(s)
- when a birth father's registration matches the search request information, he receives notice of the proposed placement, and
- when a birth mother acknowledges that the man registered is the child's birth father, his consent to the adoption is required.

For information on searching the Birth Fathers' Registry and notifying anyone who is registered see Practice Standard 33.

When a birth mother is unwilling to name the birth father:

- prior to taking her consent, contact Adoption Branch for a consultation with Legal Services Branch
- advise her to seek independent legal advice.

A decision whether to take her consent to adoption is made on the basis of the facts specific to her situation after consultation with your supervisor/team leader, regional manager responsible for adoption, and Adoption Branch.

Making reasonable effort to provide notice of the proposed adoption

Make reasonable effort to provide notice of the proposed adoption to any man named by the birth mother as the child's birth father unless the pregnancy is the result of sexual assault by the birth father:

- for direction on making reasonable efforts to provide notice, refer to Practice Standard 8 (which requires notice be sent by registered mail and confirmation requested from Canada Post)
- refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for a sample letter of notification to the birth father, and
- if the pregnancy is the result of sexual assault by the birth father, in order not to further victimize the birth mother by involving the birth father in adoption planning, apply to the court to dispense with notice to the birth father, as described below.

Applying to the court to dispense with notice

If, after reasonable efforts are made to provide notice of the proposed adoption to a man named by the birth mother as the birth father, the man cannot be located, or when the pregnancy is the result of sexual assault, apply as early as possible to the court to dispense with notice to the man named as the birth father as follows:

- consult with your supervisor/team leader about the circumstances that may require the application
- document all steps that have been taken to locate the birth father, as an affidavit describing efforts made to notify him will be required for the court
- if the pregnancy is the result of sexual assault by the birth father, obtain copies of police reports to provide to the court, or contact Adoption Branch to obtain assistance from Legal Services Branch in drawing up an affidavit to provide to the court about the sexual assault
- contact Adoption Branch, which will consult with Legal Services Branch:
 - to assist with any required affidavits
 - to determine if an application for substitutional service or an application to dispense with notice is appropriate.

When the application goes to court, legal representation from Legal Services Branch is required on behalf of the ministry.

After notifying a man named by the birth mother as the child's birth father of the proposed adoption:

When he acknowledges paternity:

- involve him in adoption planning for the child
- if adoption remains the plan, his consent to the adoption is required (refer to Practice Standard 39 for instruction on required consents), or
- determine whether you should apply to the court to dispense with his consent (refer to Practice Standard 41).

When he has not responded, has declined to participate in the adoption process, or does not acknowledge or denies paternity:

- send him a letter stating the following (see Appendix of *Administrative Procedures and Guidelines for Adoption Services* for sample letter):
 - that he was notified of the proposed adoption
 - that his consent is not required
 - that the adoption will proceed as planned, and
- request medical and social history from him.

When he has acknowledged paternity but declines to consent:

- send him a letter stating the following (see Appendix of *Administrative Procedures and Guidelines for Adoption Services* for sample letter):
 - that his consent has been requested and that he has declined to consent
 - that you will be proceeding with an application to the court to dispense with his consent, and
- request medical and social history from him.

Refer to Practice Standard 41 for instructions on applying to dispense with consent.

PRACTICE STANDARD 33

Searching the Birth Fathers' Registry and Providing the Required Notification

In all cases, when birth parent(s) voluntarily request adoption placement for a child under the *Adoption Act* you must request a search of the Birth Fathers' Registry:

- at the time the child is registered with Adoption Branch, and
- a second time before the child's placement, when no birth father is registered at the time of the first search.

Before placing the child for adoption, you must send notice of the proposed adoption by registered mail to any person identified as the birth father on the Birth Fathers' Registry, to the last known address of that person, and include in the notice the following information:

- the name, address and birth date of the person who is shown as the birth father on the Birth Fathers' Registry
- your name and address as the person giving notice
- the expected or actual date of birth of the child, and
- that the birth mother or guardian intends to place the child for adoption.

Commentary

Adoption Act
s. 10

The *Adoption Act* provides for a birth fathers' registry, an adoption service that is centrally administered and operated by Adoption Branch. When a person believes he is the birth father of a child who may be placed for adoption, he may register with the Birth Fathers' Registry to receive notice of a proposed adoption.

When birth parent(s) voluntarily request adoption placement under the *Adoption Act*, search requests are made to the Birth Fathers' Registry to determine whether a birth father is registered and therefore entitled to receive notice about the proposed adoption. Under the *Adoption Act*, a search of the registry is required in all voluntary placements, even when a birth father is involved in adoption planning for the child, because of the possibility that another man may also believe he is the child's birth father. In a proposed adoption of a child in continuing custody under the *CFCSA*, a search of the Birth Fathers' Registry is not required.

Adoption Reg.
s. 13(1)

A man who believes he is the birth father of a child who may be placed for adoption may register up until 150 days after the notice of the adoption placement is provided by the prospective adoptive parent(s). If you have searched the registry as required prior to placement and no match is found, but subsequently a birth father registers after the adoption placement, Adoption Branch will notify you so that you can provide the required notice.

Members of ministry staff are not authorized to search the Birth Fathers' Registry for non-ministry adoptions. Searches and any subsequent notifications are done by whoever will be filing the completion documents for court. Licensed B.C. adoption agencies are responsible for doing searches for the placements they arrange. In direct placements, the prospective adoptive parent(s) or their lawyer makes the search request. If the prospective adoptive parent(s) are making the request, they are required to include their "Notice of Intent to Receive a Child by Direct Placement" (CF2659). For adoptions under section 48 of the *Act*, the lawyer representing the prospective adoptive parent(s) searches the registry to ensure confidentiality when the birth parent(s) are not known to the prospective adoptive parent(s). Although there are no statutory requirements for searches for step-parent and relative adoptions, the registry will accept them, as some courts have required searches.

Adoption Act
s. 73

The information provided to the Birth Fathers' Registry may not be used or disclosed for any purpose except to provide notice to the birth father. This provision protects the privacy of persons whose names appear on the Birth Fathers' Registry. After giving a birth father notice, however, there is no prohibition against asking him to provide medical and family history.

Adoption Reg.
s. 15

Any person registered as the birth father on the Birth Fathers' Registry is entitled to receive notice, as described in this standard, prior to the child being placed for adoption.

Guidelines

Steps in requesting a search of the Birth Fathers' Registry:

1. Complete a Birth Fathers' Registry Search Request (CF2688) and mail or fax it to the Birth Fathers' Registry; or
2. Send a search request, which contains the required information, by electronic mail to the Birth Fathers' Registry (BFREG).
3. The Birth Fathers' Registry will determine whether there is a man registered whose information matches the information provided and will send you the results.
4. Retain a copy of the search request form or a printout of the electronic mail message on the birth parent(s)' (AS) file.

When a man is registered whose information matches the search request:

5. The Birth Fathers' Registry will provide you with a copy of the man's application for notification purposes and if more than one man has registered and matches the search request, you will receive all the applications from the registry.
6. Inform the birth mother of the result of the search and provide her with the name or names of the men who have registered, but provide no other identifying information.
7. Inform the birth mother that the man or men registered as the child's birth father will be sent notice of the proposed adoption.
8. Immediately send written notice to the man or men to avoid delays in planning for the child.

When providing notice to a man registered on the Birth Fathers' Registry:

9. Retain a copy of the notice on the birth parent(s)' (AS) file.
10. Place a photocopy of the registered card on the birth parent(s)' (AS) file and document the registered mail identification number.
11. After one week, contact the post office and give the identification number to request confirmation that the registered mail was received.
12. Obtain a hard copy of the signature of the recipient for the file by requesting this from the post office and paying an additional fee.

There is no further obligation to contact the man if he does not respond to the notice or no longer resides at the address recorded on the Birth Fathers' Registry.

PRACTICE STANDARD 34

Working with Birth Parent(s) of a Child with Special Service or Placement Needs, including Members of a Sibling Group

When birth parent(s) request adoption planning under the *Adoption Act* for a child with special service needs or for siblings, in addition to the requirements of Practice Standard 30, you must:

- obtain information about the child's special circumstances
- in the case of birth parent(s) who are requesting adoption planning for siblings, discuss with the birth parent(s) the importance of providing an opportunity for siblings to establish or maintain a relationship:
 - by placing siblings in the same adoptive home
 - when the child has a sibling previously placed for adoption, by placing the child in the same adoptive home as his or her sibling
 - when it is not possible to place siblings together, through openness agreements wherever possible
- determine whether the child meets the criteria for designation for post-adoption assistance, and
- when there is no reasonable likelihood of an adoption placement, consider bringing the child into care under the *CFCSA*, which in these cases is the preferred course of action rather than taking consents under the *Adoption Act*.

If a child is in care longer than 30 days by adoption consent or by a Birth Parent Pre-placement Agreement prior to an adoption placement, you must complete a comprehensive plan of care for the child.

Commentary

Adoption Reg.
s. 26(c)

Birth parent(s) may request adoption planning for a child with special service needs, a sibling group, or a child who has a sibling previously placed for adoption. Special service and placement needs are defined in the *Adoption Regulation* and described in full in Practice Standard 24.

In some circumstances, the special service needs of an infant are unexpected and only discovered at birth. Some birth parent(s) who had planned to parent the child may be in a state of shock and grief and may require additional support in their decision making. Birth parent(s) may consider adoption because they feel unable to care for the child's special service needs. They may not be aware of, or have fully explored, available support services that could assist them in parenting the child.

Sometimes birth parent(s) request adoption planning for a child with special service needs or for a sibling group, where there is no reasonable likelihood of an adoption placement. As the purpose of the *Adoption Act* is to provide for new and permanent family ties through adoption, consents under the *Act* may not be realistic or appropriate in these cases. When care and custody is transferred to the Director of Adoption by the signing of adoption consents, the intention of the *Act* is that this legal status be temporary and that the permanent plan is adoption placement. Because of the temporary nature of this status, until the child is placed for adoption, under the *Act* consenting birth parent(s) or guardians have the right to revoke their consents. The goal of the *Adoption Act* is to attain permanency for children, so children should not remain in care for a lengthy period of time by adoption consent.

Birth parent(s) planning under the *Adoption Act* expect an adoption placement for their child and need to be told from the beginning when an immediate adoption placement is unlikely. When it appears that a director will have guardianship of the child for a lengthy period of time prior to an adoption placement, the *CFCSA* better reflects the child's best interests.

Practice Standard 37 requires that a comprehensive plan of care be completed for a child in care for longer than 30 days.

Guidelines

When reviewing the alternatives to adoption:

- consider that birth parent(s) may turn to adoption because they feel unable to care for the child's special service needs
- encourage birth parent(s) to explore the range of services provided to parents of a child with special service needs that might assist them in parenting the child themselves, and
- refer to the relevant sections of Practice Standard 30.

When the birth parent(s) have previously placed a child for adoption:

- discuss with the birth parent(s) the importance to the child of exploring a placement with the adoptive parent(s) of the child's sibling or half sibling
- when birth parent(s) request placement of the child in the same adoptive home as the sibling or half sibling:
 - refer to Practice Standard 19
 - if the adoptive home of the sibling or half sibling is in another province or territory, follow the instructions in Practice Standard 65, and
- when the birth parent(s) do not want to consider the sibling's adoptive home, respect their decision and obtain their views on an openness arrangement between the adoptive families of the separated siblings (for instruction on openness agreements, refer to Chapter 2).

When the birth parent(s) have made an adoption plan for a child with special service needs or for a sibling group:

- if the birth parent(s) are experiencing trauma at the unexpected discovery of the child's special service needs at birth:
 - assess whether they can make an informed, voluntary consent to adoption at that time
 - discuss with them that additional time may be needed to consider their adoption decision before signing adoption consents
 - in some cases, birth parent(s) may consider a Birth Parent Pre-placement Agreement placing the child temporarily in a ministry approved residential resource in order to gain the additional time they require to make the decision whether or not to release the child for adoption (refer to Practice Standard 37)
- advise them of their right and opportunity to seek independent legal advice
- contact Adoption Branch to determine whether there are families available to meet the special service and/or placement needs of the child or sibling group
- share the information on the availability of homes with the birth parent(s)
- if there are no homes currently available that meet the needs of the child or sibling group, but there is a strong likelihood that one may be available soon, inform birth parent(s), before they sign adoption consents, that if they wish the child can be placed in a ministry approved residential resource until a suitable adoptive family is found

- determine whether the child or sibling group meets the criteria for designation for post-adoption assistance (refer to Practice Standard 24), and
- where appropriate, designate the child or sibling group for post-adoption assistance.

When there are no homes available that meet the needs of the child or sibling group and no reasonable likelihood of an adoption placement:

- the preferred course of action is to bring the child into care by consents under section 60 (2) of the *CFCSA*, as opposed to through consents under the *Adoption Act*
- you may wish to bring a child protection worker into your discussions with the birth parent(s) to assist them in understanding the implications of this option and to discuss issues of future contact between the birth parent(s) and the child
- advise birth parent(s):
 - to consult with independent legal counsel before consenting under the *CFCSA*
 - that the child will be placed in a ministry approved residential resource until a suitable adoptive family is found and that the child may never be placed for adoption if an adoptive family is not found
 - that the child will have full access to support services
 - that when the child is in the continuing custody of a director under the *CFCSA* if an adoptive home becomes available, a director under that act will consent to the adoption
 - that the plan for the child(ren) will be to maintain relationships between siblings regardless of whether any or all of the children are placed for adoption or whether any or all of the children remain in care
- where birth parent(s) are in agreement, refer them to a child protection worker, who will assist in taking the child into care under the *CFCSA*
- if a child is in care longer than 30 days by adoption consent or by a Birth Parent Pre-placement Agreement prior to an adoption placement, prepare either the Looking After Children Assessment and Action Record, which includes the comprehensive plan of care, or the Condensed Assessment and Comprehensive Plan of Care.

PRACTICE STANDARD 35

Working with Birth Parent(s) when Their Decision is Adoption

When birth parent(s) request an adoption placement for their child, you must:

- develop an understanding of the child's family history and the child's current needs
- discuss with the birth parent(s):
 - placing the child with prospective adoptive parent(s) from hospital or, if required, plans for the child's interim care prior to placement with prospective adoptive parent(s)
 - the full range of openness options
 - their entitlement to receive notice of the status of the adoption placement and the adoption order
- request a search of the Birth Father's Registry
- register the child with Adoption Branch
- provide the birth parent(s) with information about approved prospective adoptive parent(s)
- support birth parent(s) in making the decisions they feel are best for themselves and for the child
- notify anyone who has access to a child under a court order, or by an agreement enforceable as a court order under the *Family Relations Act*
- unless the child is a newborn infant, prepare the child for adoption placement as described in Practice Standard 25
- ensure that a pre-placement medical examination has been done on the child, and
- advise birth parent(s) to complete the child's Registration of Live Birth.

Commentary

Adoption Act
s. 6

This standard builds on the requirements of the *Adoption Act* for working with birth parent(s) who wish to place a child for adoption. In addition to searching the Birth Fathers' Registry, gathering information and registering the child with Adoption Branch, you will need to support the birth parent(s) through a difficult decision making process. They will need your support in deciding whether to follow through with their decision to place the child for adoption, which prospective adoptive family to choose and what type of openness agreement they wish to negotiate.

After the child's birth and prior to placement with prospective adoptive parent(s), you may consider interim placement options, depending on circumstances and the birth parent(s)' wishes.

Adoption Act
s. 6(1)(b)

The *Adoption Act* requires that birth parent(s) be provided with information about approved prospective adoptive parents. When birth parent(s) want to be involved in the process, the selection of the prospective adoptive parent(s) rests with them. However if birth parent(s) are unavailable or refuse to be involved, it is your responsibility, in consultation with your supervisor/team leader, to select the prospective adoptive family.

The birth parent who has care and custody of the child is the child's legal guardian until consents are signed. When the child is a newborn, the birth parent(s) have the opportunity to see, hold and care for the child if they desire. While you can assist them in understanding their feelings and the possible implications of their actions, your ultimate role prior to the

signing of consents, is to support them in making difficult decisions and to facilitate their wishes.

When birth parent(s) are voluntarily planning adoption under the *Adoption Act* you have a responsibility to determine the wishes of the birth parent(s) and involve them in adoption planning, including choosing an adoptive family, providing medical and social information for the child, and participating in openness arrangements. It is important that birth parent(s) understand that after adoption consents are signed and the Director of Adoption becomes the guardian of the child, final decisions rest with the Director and are made in the child's best interests.

Adoption Reg.
s. 11(1)

Adoption Act
s. 39

When birth parent(s) or guardians request placement under the *Adoption Act* unless they have indicated in writing that they do not wish to be notified, you are required to make reasonable efforts to provide them with notice of the status of the adoption placement. In addition, you are required to notify birth parent(s) or other guardians who have voluntarily placed their child for adoption (unless they have requested in writing not to be notified), when the adoption order has been granted.

Guidelines

Developing an understanding of the child's family history and the child's current needs, includes:

- determining as required in Practice Standard 16:
 - whether the child is Aboriginal
 - whether the child has siblings
 - whether an access order exists
- if an access order exists, advise the birth parent(s) of the requirement to notify anyone with an access order
 - this should be done well in advance of the adoption placement
 - refer to Practice Standard 20 regarding your responsibilities when there is an access order
- determining the child's need to maintain family ties and significant relationships through openness agreements (refer to Chapter 2)
- obtaining the birth family medical and social history (refer to Practice Standard 23)
- obtaining the child's medical, social and placement history (refer to Practice Standard 22).

When discussing with birth parent(s) a plan to place the child with prospective adoptive parent(s) directly from the hospital, or interim placement plans if required, include the following options:

- if the child is a newborn infant, placing the child with prospective adoptive parent(s) from hospital before consents are signed:
 - this enables early bonding between the adopting family and the child, but
 - involves the greatest amount of risk to the child's continuity of care
- if the child is a newborn infant, placing the child with prospective adoptive parent(s) from hospital after consents are signed but before the birth mother's 30-day revocation period has passed:
 - if the hospital will allow the child to remain after the birth mother's discharge
 - advise birth parent(s) when considering this plan, that they retain guardianship until adoption consents are signed and may have full access to the child during the hospital stay until they sign consents
- placing the child temporarily with caregivers until consents are signed:
 - if the plan is in the child's best interests as described in Practice Standard 37

- advise birth parent(s) when considering this plan, that they retain guardianship until adoption consents are signed and may have access to the child until they sign consents during the child's stay in a ministry approved resource
- if the child is a newborn infant, placing the child with caregivers until the birth mother's 30 day revocation period has passed which provides the least amount of risk to the child's continuity of care, and
- parenting the child at home temporarily until consents are signed.

When supporting birth parent(s) in their decision to place the child with prospective adoptive parent(s) from hospital or to consider an interim adoption placement plan, consider the following:

- the needs of the child, the needs of the birth parent(s) and the availability of resources within their community
- a plan to place the child with prospective adoptive parent(s) before consents are signed should only be made after you have carefully reviewed all circumstances, including:
 - weighing all possible risks of the birth parent(s) deciding not to consent, or the birth mother revoking her consent
 - considering the best interests of the child in terms of continuity of care and the possibility of a disruption in the placement
 - whether birth parent(s) appear consistently committed to the adoption plan
- a plan to place the child with prospective adoptive parent(s) before the birth mother's 30-day revocation period has passed also requires:
 - the weighing of possible risks that the birth mother could revoke her consent
 - consideration of the best interests of the child in terms of continuity of care and the possibility of disruption in the placement
 - assessing whether the birth mother appears consistently committed to the plan
- when a proposal is made to prospective adoptive parent(s) to place the child before consents are signed or before the birth mother's 30-day revocation period has passed, it is your responsibility to ensure that the prospective adoptive parent(s) are informed of all of the risks (refer to Practice Standard 36), and
- a plan to place the child temporarily with caregivers requires a determination of whether this plan is in the child's best interests as described in Practice Standard 37.

When discussing the full range of openness:

- provide birth parent(s) with the Choosing Openness Options handout found in the Appendix
- when discussing openness with birth relatives, refer to the Suggestions When Discussing Openness with Birth Family Members or Other Significant People found in the Appendix, and
- provide information about openness as required in Chapter 2.

Inform the birth parent(s) that unless they indicate in writing that they do not wish to be notified they will receive notice of the status of the adoption placement in any of the following circumstances:

- after notice of placement has been received from the prospective adoptive parent(s)
- after termination of a placement due to a disruption of the placement
- after determining that placement will not proceed in the chosen home
- after determining that placement will not proceed because there is no available home
- when the adoption order is made
- if the child dies prior to completion of the adoption

- if the child develops a serious condition or has an injury that may result in the child's death or may cause serious or permanent impairment of the child's health prior to completion of the adoption.

Early steps in the adoption planning process, even if the child is not yet born:

- request a search of the Birth Fathers' Registry (refer to Practice Standard 33)
- complete the Registration of Child for Adoption (CF2135) as required in Practice Standard 15 and send it to Adoption Branch
- notify anyone who has access to the child under a court order, or by an agreement enforceable as a court order under the *Family Relations Act* (refer to Practice Standard 20), and
- request written family assessments from Adoption Branch.

When providing the birth parent(s) with information about prospective adoptive parent(s) approved on the basis of a written family assessment:

- upon receiving the approved written family assessments, delete all identifying material
- to protect the privacy of prospective adoptive parent(s), written family assessments may not be removed from the office
- provide the birth parent(s) with the opportunity to review the written family assessments in a quiet, private environment
- offer your involvement when it is requested by the birth parent(s), and
- allow the birth parent(s) time to consider the written family assessments, returning the following day if desired.

Support birth parent(s) in making the following decisions:

- whether at this time they wish to proceed with the adoption plan
- the interim adoption placement plan that is best suited to the needs of the child, the birth parent(s) and the availability of resources within your community
- whether they wish to be notified of the status of the adoption placement and the granting of the adoption order:
 - ensure that birth parent(s) have completed the Birth Parent or Guardian Request for Notice (CF2687) indicating whether or not they wish to receive notice
 - place the original on the (AS) file
 - give birth parent(s) a copy of this form
- the range of openness desired and which is in the best interests of the child.

Timing the proposal of a child for adoption under the *Adoption Act*

- With a newborn infant, a preliminary proposal to prospective adoptive parent(s) may take place prior to the birth of the child, if the birth parent(s) appear consistently committed to the adoption plan, and the plan is to place the child with the prospective adoptive parent(s) as soon as possible after the child's birth.
- Advise the adoption worker for the prospective adoptive parent(s) if the birth parent(s) are considering other prospective adoptive parent(s).
- A preliminary proposal, even with a newborn infant, generally occurs after the child is born and may occur after the child has been temporally placed in a ministry-approved residential resource:
 - especially if there are risks that the child may have special service needs, and
 - in order that medical information about the child can be gathered and shared with the prospective adoptive parent(s).
- Refer to Practice Standard 36 for instruction on proposing the adoption placement of a child under the *Adoption Act*.

Steps to follow after the birth of an infant:

1. Visit with the birth parent(s) in the hospital and determine if they are still planning adoption for the child
 - if birth parent(s) appear unsure about their plan or decide to parent the child, support them and, if possible, ensure that they have the information, time and opportunity to consider other options and the implications of their planning
 - if birth parent(s) decide not to proceed with the adoption plan, remind them to have the child covered on their Medical Services Plan from the date of birth
 - if prospective adoptive parent(s) were chosen and notified prior to the birth of the child, advise their adoption worker if the birth parent(s) are reconsidering the adoption plan.
2. Ensure the birth parent(s) have completed the Registration of Live Birth, and explain to them the benefits to the child of having the birth father sign the registration if the child is placed for adoption, including future search and reunion opportunities for both the child and birth father and release of information services.
3. Contact hospital staff to determine if the child has any health problems that would delay placement.
4. The child's initial medical costs are covered by the birth mother's Medical Services Plan as long as she or the child remains in the hospital for medical reasons:
 - if an infant remains in hospital after the birth mother's discharge pending placement, arrange for the hospital to invoice the ministry the daily amount for the days the infant will remain in the hospital prior to adoption placement
 - if the birth parent(s) decide not to proceed with the adoption plan, payment for the child's stay in hospital for any days after the birth mother's discharge is their responsibility.
5. Ensure that a medical is completed on the child prior to discharge:
 - request a copy of the child's Newborn Record from the hospital (refer to Practice Standard 22)
 - request that the child's physician complete the Child's Permanent Medical Record(CF1606).
6. Open a (CS) file even if the child is placed with the prospective adoptive parent(s) after discharge from hospital.

Where the plan is for the child to be placed with prospective adoptive parent(s) or placed on an interim basis with caregivers prior to the signing of adoption consents:

- a Birth Parent Pre-placement Agreement is required in order to transfer care and custody of the child to the Director of Adoption
- refer to Practice Standard 37
- unless the child is a newborn infant, prepare the child for the adoption placement (refer to Practice Standard 25)
- determine the required adoption consents (refer to Practice Standard 39), and
- obtain the required adoption consents either before or after the adoption placement, depending on the adoption plan.

When consents have been signed and the child is to be placed on an interim basis with caregivers:

- notify the Public Guardian and Trustee of B.C., and
- refer to Practice Standard 55 for guidance.

When the interim adoption placement plan is for the child to remain with birth parent(s) or in hospital until after the signing of consents:

- no Birth Parent Pre-placement Agreement is required
- when the plan is for the child to be parented by the birth parent(s) until adoption placement:
 - determine the required adoption consents (refer to Practice Standard 39)
 - request that the birth parent(s) have the child seen by a physician and that the physician complete the Child's Permanent Medical Record (CF1606)
 - unless the child is a newborn infant, prepare the child for the adoption placement (refer to practice Standard 25)
 - maintain contact with the birth parent(s) until the signing of consents and the adoption placement
 - obtain the required adoption consents (refer to Practice Standard 40), and
 - refer to Practice Standard 38 for your responsibilities when placing a child with prospective adoptive parent(s).

PRACTICE STANDARD 36

Proposing a Placement when the Birth Parent(s) are Planning Adoption under the *Adoption Act*

Prior to proposing the adoption placement of a child voluntarily placed under the *Adoption Act* you must meet all of the pre-proposal requirements of Practice Standard 27 (unless the child has no special service needs, in which case the comprehensive plan of care is not required).

When proposing the child to the adoption worker for the prospective adoptive parent(s), you must :

- meet all of the proposing requirements of Practice Standard 27 (unless the child has no special service needs, in which case the comprehensive plan of care is not required), and
- provide information about possible legal risks to the adoption placement.

When the prospective adoptive parent(s) have agreed to accept the adoption of the proposed child, you must:

- obtain from the adoption worker for the prospective adoptive parent(s) the completed and signed comprehensive plan of care and letter acknowledging information they have received, unless the child has no special service needs, in which case the comprehensive plan of care is not required
- before beginning pre-placement visits, obtain your supervisor's/team leader's approval of the completed comprehensive plan of care (unless the child has no special service needs, in which case your supervisor's/team leader's approval of the placement is required)
- when birth parent(s) request a copy of the chosen written family assessment, ensure the prospective adoptive parent(s) have consented to this in writing, and
- ensure the legal risks are included on the prospective adoptive parent(s)' letter acknowledging the information they have received.

Commentary

The process of proposing an adoption placement to prospective adoptive parent(s) is basically the same whether the child is placed for adoption under the *Adoption Act* or is in the continuing custody of a director under the *CFCSA*. However, the timing of a proposal of a child under the *Adoption Act* varies depending on the interim adoption placement plan (refer to Practice Standard 35). With a newborn infant, a tentative proposal to prospective adoptive parent(s) may take place prior to the birth of the child, if the birth parent(s) appear consistently committed to the adoption plan, and the plan is to place the child with prospective adoptive parent(s) as soon as possible after the child's birth. Generally, however, a tentative proposal, even with a newborn infant, occurs after the child is born and may occur after the child has been temporarily placed in a ministry approved residential resource (refer to Practice Standard 37). This allows more time to determine if the child has special service needs and to gather medical information about the child to share with the prospective adoptive parent(s).

After the birth parent(s) have selected prospective adoptive parent(s) they believe can meet the needs of the child, complete, accurate and non-identifying information about the child and birth family is shared with the prospective adoptive parent(s)' adoption worker. The *Adoption Act* and the *Adoption Regulations* outline the information that must be provided to prospective adoptive parent(s) prior to the placement of the child.

Adoption Act
s. 6(1)(d)
Adoption Reg.
s. 4

Adoption Reg.
s. 26(c)(f)

When a child has special service needs as defined in the *Adoption Regulations* (refer to Practice Standard 24), an assessment of these needs is a key part of making an adoption plan for the child. Guardianship Practice Standard 22 requires a review of the child's comprehensive plan of care when an adoptive home is found for a child. Information about the child's needs is recorded in a non-identifying manner on the child's comprehensive plan of care, which is shared with the prospective adoptive parent(s). When birth parent(s) request placement of a child under the *Adoption Act* who has no special service needs, a comprehensive plan of care is not required.

Guidelines

When proposing the child to the adoption worker for the prospective adoptive parent(s)

- refer to Practice Standard 7 regarding confidentiality during the proposal.

When completing the non-identifying comprehensive plan of care for the child with special service needs

Using either the Condensed Assessment and Comprehensive Plan of Care or the Looking After Children Assessment and Action Record, which includes the comprehensive plan of care, follow the instructions provided in Practice Standard 27. In addition, include the following:

In the Placement section include:

- information about any legal risks when birth parent(s) are voluntarily requesting adoption placement, such as:
 - whether consents have been signed
 - the lack of a required consent
 - the possibility that a consent could be revoked:
 - prior to placement by anyone who has consented
 - by the birth mother after placement but within 30 days of the child's birth
 - by the child after placement anytime, until the adoption order is granted
 - by the court if anyone who has consented applies to the court before the adoption order is granted, and
 - whether there is an access order or agreement under the *Family Relations Act*
- possible reasons the placement may be delayed.

In the Family and Social Relationships section include:

- the birth parent(s)' requests for openness.

When the child has no special service needs, provide the adoption worker for the prospective adoptive parent(s) with:

- non-identifying information about the child as outlined in Practice Standard 27
- the birth parent(s)' requests for openness
- possible reasons the placement may be delayed
- plans for pre-placement visits (refer to Practice Standard 28).

In addition, ensure the prospective adoptive parent(s) are informed of legal risks, as described above, when birth parent(s) are voluntarily requesting adoption placement.

When proposing a plan to prospective adoptive parent(s) to place the child before consents are signed:

- ensure the prospective adoptive parent(s) are aware of all of the legal risks described above
- ensure that both the birth parent(s) and the prospective adoptive parent(s):
 - are aware that the birth parent(s) remain guardians of the child until consents are signed and that transferring care and custody of the child to the Director of Adoption does not obligate the birth parent(s) to sign consents to adoption
 - are aware that should the birth mother choose to sign consent, she can revoke her consent during the 30 days following the child's birth in which case the child would be returned to her, and
 - are in agreement with the plan.

When determining whether prospective adoptive parent(s) agree to the level of openness requested by the birth parent(s):

- when the prospective adoptive parent(s) are unwilling to accept the openness requests of the birth parent(s), the decision to place the child with the prospective adoptive parent(s) remains with the birth parent(s)
 - minor differences are to be expected and it may be possible to reach an acceptable compromise in a meeting
 - if there are major differences, a meeting between the individuals should not be arranged; instead a new match should be sought
- arrange any meetings between the birth parent(s) and the prospective adoptive parent(s), as the birth parent(s) may wish to meet the prospective adoptive parent(s) as part of the selection process, and
- when requested by the birth parent(s) or prospective adoptive parent(s), attend any meetings.

When the prospective adoptive parent(s) have agreed to the proposed adoption

- discuss with the birth parent(s) any information provided by the adoption worker for the prospective adoptive parent(s) about their interest and suitability to parent the child and assist them in making any final decisions including interim placement plans and plans to place the child with the prospective adoptive parent(s)
- if the child has special service needs, follow the guidelines outlined in Practice Standard 27 to determine if the prospective adoptive parent(s) can meet the child's needs
- if the child has no special service needs, review all information provided by the adoption worker for the prospective adoptive parent(s) regarding
 - their ability to parent the child
 - their agreement to meet the openness requests of the birth parent(s)
 - interim placement plans if required
 - plans for pre-placement visits and
 - arrangements to place the child
- obtain your supervisor's/team leader's written approval of the placement before beginning pre-placement visits
- ensure the legal risks to the adoption placement are included on the prospective adoptive parent(s)' letter acknowledging the information they have received.

PRACTICE STANDARD 37**Transferring Care and Custody with a Birth Parent Pre-placement Agreement**

You must ensure the birth parent(s) transfer care and custody to the Director of Adoption with a Birth Parent Pre-placement Agreement if they have made one of the following interim adoption placement plans:

- to place the child with prospective adoptive parent(s) prior to the signing of adoption consents, or
- to place the child temporarily with caregivers prior to the signing of adoption consents.

Prior to entering into a Birth Parent Pre-placement Agreement to place the child temporarily with caregivers, you must:

- determine that placing the child with caregivers is in the child's best interests
- advise the birth parent(s) of their right to obtain independent legal advice
- determine the length of the Birth Parent Pre-placement Agreement, and
- ensure your supervisor/team leader reviews and agrees to the proposed agreement.

After placement of the child with caregivers, you must:

- involve the birth parent(s) in decisions affecting the child and inform them in a timely manner about significant developments in the child's life, and
- unless birth parent(s) have indicated in writing that they do not wish to be notified, make reasonable efforts to promptly notify them in the following circumstances:
 - if it is determined that the placement will not proceed in a home chosen by the birth parent(s) or guardian
 - if it is determined that the placement will not proceed because an adoption home for the child is not available
 - if the child dies, or
 - if the child develops a serious condition or has an injury that may result in the child's death or may cause serious or permanent impairment of the child's health.

If the child remains in care under a Birth Parent Pre-Placement Agreement or by adoption consents longer than 30 days prior to an adoption placement, a comprehensive plan of care is required.

Commentary

Adoption Act
s. 23

Birth parent(s) may transfer care and custody to the Director of Adoption before the child is placed for adoption and before adoption consents are signed when there is a strong likelihood of an adoption plan. The Birth Parent Pre-placement Agreement is used for this purpose. It is signed voluntarily after the birth parent(s) are fully informed about the terms and implications of the agreement. Once the Director of Adoption has care and custody, the Director may place the child with a caregiver or transfer care and custody to the prospective adoptive parent(s). The Birth Parent Pre-placement Agreement terminates when adoption consents are signed or the child is returned to the birth parent(s) before the agreement expires.

Adoption Act
s. 25

The Birth Parent Pre-placement Agreement is used when adoption is the likely plan and the birth parent(s) request a placement for the child prior to signing consents. It enables a child to be placed with prospective adoptive parent(s) directly from hospital to facilitate bonding. It

also enables a child to be placed with a caregiver prior to consents being signed. Placements with caregivers are not required to be reviewed by a Placement Review Committee, and Maintenance Agreements are not required.

While a Birth Parent Pre-placement Agreement is the preferred option in the circumstances described above, the guidelines to this standard also provide direction for those situations in which a Birth Parent Pre-Placement Agreement may not be appropriate and where the temporary care of a Voluntary Care Agreement or the permanency of a continuing custody order is a better option.

If consents have been signed, but the child will be placed with caregivers until the 30-day revocation period passes or until a prospective adoptive family has been found, a Birth Parent Pre-placement Agreement is not required, as the Director of Adoption becomes guardian of the child with the signing of consents.

When a child is in the care and custody of the Director of Adoption, or under the guardianship of the Director of Adoption, *Practice Standards for Guardianship* apply.

There may be cases where, after an adoption plan has been made and a child has been temporarily placed in a ministry approved residential resource, you determine that the placement will not proceed in the home chosen by the birth parent(s) or that placement will not proceed because an adoption home is not available for the child. The *Adoption Regulation* requires that unless birth parent(s) have indicated in writing that they do not wish to be notified, reasonable efforts must be made to promptly notify them in these cases. Prompt notification enables the birth parent(s) to pursue a new plan for the child as quickly as possible, or they may decide to exercise their right to revoke their consent before the child is placed for adoption and assume responsibility for the child.

Adoption Reg.
s. 11(1)(c)(d)

Guidelines

Temporary placement with caregivers through a Birth Parent Pre-placement Agreement (CF0324) may be in the child's best interests, if there is a strong likelihood of an adoption plan and:

- when the birth parent(s) appear committed to the plan, but:
 - request additional time to make their decision
 - with the co-operation of the birth mother, efforts are still underway to notify the birth father or to obtain his consent
- efforts are underway to place the child in an adoptive home, but:
 - the prospective adoptive parent(s) do not wish, or may be unable, to take the child into their care until consents are signed or until the birth mother's 30 day revocation period has passed
 - the hospital is unable to keep the child until consents are signed and the birth parent(s) are unable to take the child home or place the child temporarily with a person known to them
 - additional time is required to gather information or assessments on the child, or
 - no family is available that meets the special service or placement needs of the child but there is a strong likelihood that one may be available soon
- the child is 6 months of age or younger, unless an adoption placement has been secured and a brief interim placement with a caregiver is required, and
- there are no child protection concerns.

A Birth Parent Pre-placement Agreement may not be in the child's best interests:

- if the birth mother is not willing to name the birth father
- if you believe the birth father is not in agreement with the adoption plan.

In these cases:

- consult with your supervisor/team leader and regional manager responsible for adoption
- contact Adoption Branch for a consultation with Legal Services Branch, and
- if the birth parent(s) are strongly considering parenting the child themselves but require a Voluntary Care Agreement when more time is required to make a decision (refer to Practice Standard 30).

When there are no families available that meet the special service or placement needs of the child and there is no reasonable likelihood of finding an adoptive home for the child, refer to Practice Standard 30.

Prior to entering into a Birth Parent Pre-placement Agreement, ensure the birth parent(s) are capable of signing the agreement freely and voluntarily and have been fully informed of the following:

- their right to obtain independent legal advice to ensure they are fully informed when signing the agreement
- the terms and implications of the agreement, including that, during the course of the agreement:
 - they still retain guardianship of the child, and may request the return of the child any time prior to the signing of consents
 - they will not receive the Federal Child Tax Benefit, nor the provincial Family Bonus benefits during the time the child is in care (advise them to contact Revenue Canada with any questions)
- if the child remains in the care and custody of the Director of Adoption for more than 90 days:
 - a report will be made under the *CFCSA* to a child protection worker, and
 - the child may be removed unless alternate arrangements, satisfactory to a director under that act, have been made
 - the birth parent(s) will be asked to participate in developing a plan of care for the child.

Determine the length of the agreement with the birth parent(s), based on the following:

- a Birth Parent Pre-placement Agreement may be made for up to 30 days
- the agreement may be extended in writing for two further 30-day terms only
- the criteria for renewing a Pre-placement Agreement are as follows:
 - the birth parent(s) need more time while strongly considering adoption
 - with the co-operation of the birth mother every effort is underway to notify the birth father and/or to obtain his consent, but these issues are still unresolved
 - there is a strong likelihood of securing an adoption placement, and every effort is underway to do so
 - there are no protection concerns, and
 - there are no custody disputes between the birth parent(s).

To enter into a Birth Parent Pre-placement Agreement (CF0324):

1. Obtain your supervisor's/team leader's support.
2. Review the agreement with the birth parent(s).
3. Make two original copies of the agreement.
4. Obtain the birth parent(s)' signature(s) on both copies of the agreement.
5. Sign both copies of the agreement and obtain your supervisor's/team leader's signature.
6. Provide the birth parent(s) with a signed original of the agreement.
7. Place a signed original on the (AS) file.

When the child is placed with caregivers prior to adoption placement:

- as the child's worker, it is your responsibility to fulfil guardianship duties for the duration of the agreement and to meet all applicable guardianship practice standards (refer to *Practice Standards for Guardianship*)
- consult with a resource worker, as you may have additional obligations based on the agreement the ministry has with the caregivers
- provide the caregivers with information about the child and any of his or her specific care needs
- determine with the birth parent(s) any plans for contact with the child and communicate these arrangements to the caregivers
- maintain contact with the birth parent(s) and involve them in any decisions affecting the child
- advise the birth parent(s) in a timely manner of any significant developments in the child's life
- if consents have not been signed:
 - the Birth Parent Pre-placement Agreement enables payment to the caregiver
 - open a (CS) file for the child ensuring that the legal authority code reflects the child's legal status as being in care under section 23 of the *Adoption Act* (refer to the MIS User Guide for more information)
- if the child remains in care after consents have been signed, change the legal authority code to reflect the child's legal status as being in care under section 24 of the *Adoption Act*
- if consents have been signed but the child will be placed with caregivers until the 30 day revocation period passes or until a prospective adoptive family has been found:
 - a Birth Parent Pre-placement Agreement is not required, as the Director of Adoption becomes guardian of the child with the signing of consents
 - open a (CS) file for the child ensuring that the legal authority code reflects the child's legal status as being in care under section 24 of the *Adoption Act* (refer to the MIS User Guide for more information)
- apply for the child's medical coverage
- provide the child's caregivers with the Child's Health Care Passport (if one is required, given the expected length of time the child will remain in care and the child's health care needs)
- if a child is in care longer than 30 days by adoption consent or a Birth Parent Pre-placement Agreement prior to an adoption placement:
 - a comprehensive plan of care is required
 - if a child is in care longer than 6 months, a review of the child's comprehensive plan of care is required

Note: The Condensed Assessment and Comprehensive Plan of Care is designed for children who are temporarily in care or who have not yet become part of the Looking After Children program. It may also be used in the 6-month review as an alternative to the Looking After Children Comprehensive Plan of Care (the Looking After Children form would still be used annually).

- record on the (CS) and (AS) files any arrangements for contact between the child and birth parent(s), and
- record on the (CS) file any specific care needs of the child.

Prior to the 3-month expiration date of a Birth Parent Pre-placement Agreement (CF0324):

- contact the birth parent(s) two weeks prior to the expiration date to plan for the child's care
- advise the birth parent(s) of the following options:
 - signing consent to the child's adoption when there is a strong likelihood of an adoption placement
 - parenting the child by retaking care and custody
 - parenting the child with the assistance of a Voluntary Care Agreement or other support services provided by a family service worker, or
 - consenting to a continuing custody order
- advise the birth parent(s) that if the child remains in the care and custody of the Director of Adoption for more than 90 days, a report will be made under the *CFCSA* to a child protection worker, and the child may be removed unless alternate arrangements, satisfactory to a director under that act, have been made
- do not renew the agreement when birth parent(s) are not in agreement about the adoption plan, and if a custody issue arises consult with your supervisor/team leader and regional manager responsible for adoption, and contact Adoption Branch to consult with Legal Services Branch.

When the birth parent(s) request the return of the child:

- if child protection concerns have arisen, consult with your supervisor/team leader and refer the matter to a child protection worker
- if there are no child protection concerns, return the child to the birth parent(s) as soon as possible and:
 - advise them to apply for the child's medical coverage and the Federal Child Tax Benefit
 - close the child's (CS) file.

If you have determined that the placement will not proceed in a home chosen by the birth parent(s) or guardian, or that the placement will not proceed because an adoption home for the child is not available:

- unless the birth parent(s) or guardians have indicated they do not wish to be notified, try to contact them in person
- prompt notification enables the birth parent(s) or guardian:
 - if they wish to be involved in the planning, to pursue a new plan for the child as soon as possible
 - to exercise their right to revoke their consent before the child is placed for adoption and assume responsibility for the child, and
- when making reasonable efforts) to notify birth parent(s) of the status of the adoption, refer to Practice Standard 56

Before the child moves from the home of caregivers to that of prospective adoptive parent(s):

- contact the caregivers in advance of the adoption placement to ensure the child has no health problems that would delay placement
- ensure a medical is done on the child prior to the move, and
- discuss the plan for pre-placement visits and the proposed adoption placement with the caregiver, and ensure that pre-placement visits meet the requirements of Practice Standard 28.

PRACTICE STANDARD 38

Assisting the Birth Parent(s) when Placing the Child with Prospective Adoptive Parent(s)

In all adoptions where birth parent(s) have requested adoption placement under the *Adoption Act* you must obtain the required adoption consents (refer to Practice Standard 39).

Prior to placing a child, you must:

- ensure that placement proceeds only when you have determined that the child and prospective adoptive parent(s) are ready (refer to Practice Standard 28)
- ensure that the child who is eligible has been designated for post-adoption assistance
- facilitate any agreed upon openness contact between the birth family, caregivers and prospective adoptive parent(s), and
- prepare the Adoption Placement Agreement for the prospective adoptive parent(s).

At the time of placement, you must:

- facilitate any agreed upon openness contact between the birth parent(s) and prospective adoptive parent(s)
- transfer care and custody to the prospective adoptive parent(s) using the Adoption Placement Agreement
- be present as the representative of the Director of Adoption when the prospective adoptive parent(s) receive the child
- provide the prospective adoptive parent(s) with the child's Health Care Passport, personal property and mementoes.

Commentary

Adoption Act
s. 24

When consent to adoption is given by the birth parent(s) or the child's guardian(s), the Director of Adoption becomes the guardian of the child. The Director retains guardianship until the adoption order is granted or until an adoption consent is revoked. When the Director has care and custody of a child through the Birth Parent Pre-placement Agreement prior to the signing of adoption consents (refer to Practice Standard 37) or guardianship of a child through the signing of adoption consents, the Director may transfer care and custody of the child to prospective adoptive parent(s).

Adoption Act
s. 25

Adoption Act
s. 27

The *Act* gives specific powers and capacities to a person who has care and custody of a child, from placement until the adoption order is granted. The person's rights and responsibilities, and those of the Director of Adoption, are described in the Adoption Placement Agreement.

When care and custody of the child is transferred to the prospective adoptive parent(s), the Director of Adoption retains guardianship responsibilities until the adoption order is made.

Pre-placement visits are an important part of preparing the child and prospective adoptive parent(s) for the adoption placement. Refer to Practice Standard 28 for direction in planning pre-placement visits.

Guidelines

When placing a child with prospective adoptive parent(s) prior to the signing of consents:

- refer to Practice Standard 35 to assist the birth parent(s) in making a plan to place a child with prospective adoptive parent(s) prior to the signing of adoption consents, and
- refer to Practice Standard 37 for responsibilities when taking a Birth Parent Pre-placement Agreement.

Obtain the required adoption consents in all adoptions where birth parent(s) have voluntarily requested adoption placement:

- either before the adoption placement, or after the adoption placement depending on the interim adoption placement plan
- refer to Practice Standard 39 for instruction when determining the required adoption consents, and
- refer to Practice Standard 40 for instruction when taking consent to adoption.

When facilitating any agreed upon openness and contact between birth family, caregivers and prospective adoptive parent(s):

- the involvement of birth parent(s) in the pre-placement and placement process is based on decisions reached during early discussions of openness agreements (refer to Chapter 2: Openness)
- if the birth parent(s) and prospective adoptive parent(s) have agreed for the birth parent(s) to be present at the time of placement:
 - prior to placement, arrange for the meeting to be held in a private environment, such as a room at the district office or, if placement is made from hospital, a private room in the hospital
 - birth parent(s) may wish to prepare a farewell ceremony for the child, including giving gifts, taking photographs, providing a memento, or writing a poem or letter, and they may require your assistance prior to placement in making these plans
- when birth parent(s) and prospective adoptive parent(s) have not agreed to meet:
 - birth parent(s) may want to give mementoes to the child or the prospective adoptive parent(s)
 - advise the birth parent(s) that you will give any mementoes to the prospective adoptive parent(s) at the time of placement.

Prior to placement with prospective adoptive parent(s):

- ask to see the prospective adoptive parent(s)' identification
- confirm for prospective adoptive parent(s) that consents have been signed or that care and custody of the child have been transferred to the Director of Adoption
- to ensure the placement proceeds only after determining that the child and prospective adoptive parent(s) are ready, refer to Practice Standard 28
- when a child is placed from the hospital:
 - inform the hospital of the arrangement and request that they respect confidentiality if required, and provide any required documentation
 - ensure hospital staff are aware of and approve any requests which are outside of the regular adoption discharge routine
 - confirm the child's identity with the child's hospital bracelet and then have it removed and keep it to give to the birth parent(s) if they have requested it
 - discuss the discharge routine at the hospital with the prospective adoptive parent(s)

- when a child is placed from the home of caregivers
 - discuss the proposed adoption placement with the caregiver
 - advise the caregivers that prospective adoptive parent(s) can benefit from the caregiver's knowledge of the child, and
- prepare two original copies of the Adoption Placement Agreement (CF0325) to transfer care and custody of the child from the Director of Adoption to the prospective adoptive parent(s).

At the time of placement:

- if more than 30 days have passed since the prior contact check was done at the time of the adoption proposal, request that the adoption worker for the prospective adoptive parent(s) conduct an additional prior contact check
- facilitate any agreed upon openness contact between birth parent(s) and prospective adoptive parent(s)
- provide the prospective adoptive parent(s) with the child's non-identifying Health Care Passport
- if the birth parent(s) have chosen not to be present at the time of placement, present any mementoes which they have provided for the prospective adoptive parent(s) or the child ensuring that identifying information has been removed when the adoption is not fully-disclosed (refer to Practice Standard 7 regarding confidentiality when birth parents are voluntarily planning adoption)
- if birth parent(s) or caregiver(s) are involved, provide them and the child with the opportunity to say their goodbyes
- ensure the prospective adoptive parent(s) have a certified restraint system (car seat) for the child and, if applicable, enough infant supplies for the trip home
- when a child is placed from the hospital, sign the hospital discharge form.

When transferring care and custody using the Adoption Placement Agreement (CF0325)

- review the terms of the Adoption Placement Agreement with the prospective adoptive parent(s) (refer to Practice Standard 29 for information and instructions).

When transferring care and custody to the prospective adoptive parent(s):

- have them sign two copies of the agreement
- place the agreement on the (CS) file
- give a copy of the agreement to the prospective adoptive parent(s).

Refer to Practice Standard 56 for instruction on your responsibilities to birth parent(s) after the child has been placed with prospective adoptive parent(s).

CHAPTER 5:

Consents

The *Adoption Act* recognizes the lifelong implications of adoption by requiring that those most affected by the adoption give their consent. These are the child, 12 years of age or older, the birth mother, the father and anyone with guardianship of the child.

This chapter describes the consents required for an adoption, the conditions under which they are necessary, and the requirements for obtaining them.

It also describes the requirements in situations where a person who has given consent to an adoption decides to revoke consent.

The *Adoption Act* provides for a child aged 12 or over to revoke consent at any time before the adoption is completed. As the adoption cannot be completed without the child's consent, it is important to help the child with his or her emotional needs and to ensure an alternate permanency plan is developed that is consistent with the child's best interests.

The *Act* also provides for the birth mother to revoke her consent within 30 days of the child's birth in recognition of the extra time she may require to recover from childbirth and to be certain of her decision for her child. It is particularly important to plan carefully with the birth mother and to determine a plan that gives priority to the child's needs.

PRACTICE STANDARD 39

Required Consents

Before placing for adoption a child:

- who is in the continuing custody of a director under the *CFCSA*, or
- who is under the guardianship of a director pursuant to section 29 of the *Family Relations Act*

you must obtain the consent of the child, if he or she is 12 years of age or over and has the capacity to consent. (If it is determined that the child does not have the capacity to consent, refer to Practice Standard 41.)

Before placing for adoption a child whose birth parent(s) are voluntarily planning adoption under the *Adoption Act* you must:

- obtain the consent of the child, if he or she is 12 years of age or over, and
- make reasonable efforts to obtain the consent of each of the following:
 - the birth mother
 - the father, as defined in section 13(2) of the *Adoption Act* and
 - any person appointed as the child's guardian.

Before completing all adoptions you must obtain all required consents for the court, including the consent of the Director of Adoption, unless:

- an individual is not capable of consenting
- an order has been granted dispensing with a consent, or
- you are applying to dispense with a consent.

In a direct placement or in an adoption under section 48 of the *Adoption Act* you must advise prospective adoptive parent(s) that it is their and their lawyer's responsibility to determine who must consent and obtain the required consents.

Commentary

Adoption Act
s. 13

This standard outlines the required consents for any adoption completed in British Columbia and your responsibilities when the required consents have not been obtained.

Adoption Act
s. 6

It is a pre-placement requirement that reasonable efforts be made to obtain all required consents before a child is placed for adoption by the ministry or an adoption agency. However, reasonable efforts are not considered when obtaining the consent of the child 12 years of age or older, because the child's consent is always required prior to placement, unless he or she is not capable of giving consent.

Adoption Act
s. 48
s. 9

Consents are also required before a child is brought into British Columbia for adoption, and reasonable efforts must be made to obtain consents prior to a direct placement.

Adoption Act
s. 13(4)

When a child who has been adopted is to be adopted again, only the consents of the child's adoptive parent(s) and the child 12 years of age or over are required (the consent of the child's birth parent(s) or previous guardian is not required). After an adoption order has been granted, if a child enters continuing custody and is then placed for adoption, only the consents of the Director of Adoption and the child aged 12 or over are required. The Director of Adoption is delegated by a director under the *CFCSA* to consent to the adoption of a child in continuing custody of a director under that act.

Adoption Act
s. 13(5)

When a child is placed by a provincial or territorial child welfare authority that has the equivalent right of guardianship as a director under the *CFCSA* the only consent required is

that of the child welfare authority. However, if the child is 12 years of age or over, his or her consent is required as well.

Adoption Act
s. 13(5)

A birth parent who is under 19 years of age, may give a legally valid consent to the adoption of his or her child, without his or her parent(s)' or guardian's knowledge of, or agreement with, the adoption plan. The *Adoption Act* is consistent with society's increasing recognition of a young person's right to be fully informed, and society's acknowledgement that young people have the capacity to make decisions independent of their parent(s) or guardian.

Adoption Act
s. 16(2)

Consents taken in other jurisdictions are valid in British Columbia if they meet the requirements of the jurisdiction in which they were taken.

When making reasonable efforts to obtain a required consent, refer to Practice Standard 8.

Guidelines

The child's consent

The consent of the child 12 years of age or over is always required.

- The adoption placement should not proceed before the child signs the consent, which ensures the involvement and approval of the child.
- When the plan is for caregiver(s) to adopt a child in their care, the child's consent is obtained before accepting the Notice of Placement.
- On rare occasions, it may be determined that the child does not have the capacity to consent, and an application is made to the court to dispense with the child's consent:
 - for direction on determining the child's capacity, refer to Practice Standard 40, and
 - for direction when dispensing with the child's consent, refer to Practice Standard 41.

The birth parent(s)' consent

Consent to an adoption is required from:

- the birth mother
- the father, who for the purposes of consent to adoption is defined as anyone who:
 - has acknowledged paternity by signing the child's birth registration
 - is or was the child's guardian or joint guardian with the birth mother
 - has acknowledged paternity and has custody or access rights to the child by court order or by agreement
 - has acknowledged paternity and has supported, maintained or cared for the child, voluntarily or under a court order
 - has acknowledged paternity and is named by the birth mother as the child's father, or
 - is acknowledged by the birth mother as the father and is registered on the Birth Fathers' Registry as the child's father.

When you have knowledge of a birth father who is not defined as a father under the *Adoption Act* refer to Practice Standard 28.

Exceptions to the requirement for the birth parent(s)' consent

The consent of the birth parent(s) is not required if:

- the court has dispensed with either of their consents, or
- the child is in the continuing custody of a director under the *CFCSA*, or under the guardianship of a director pursuant to section 29 of the *Family Relations Act*
 - in the case of a child under the guardianship of a director pursuant to section 29 of the *Family Relations Act* you must make reasonable efforts to notify any living birth parent of the child. Refer to Practice Standard 8 for direction on making reasonable efforts.

Adoption Act
s. 13(2)

Consent of the child's guardian

When the child has a guardian appointed under the *Family Relations Act*, after the death of the child's parent, a guardian is named in the parent's will, consent is required from the following:

- the child's birth parent(s) if they are still living, and
- the person appointed guardian.

Contact Adoption Branch for a consultation with Legal Services Branch before taking the consent of the guardian.

Consent of the Director of Adoption

The consent of the Director of Adoption is required in all ministry adoptions.

- When a child is in the continuing custody of a director under the *CFCSA*:
 - the child's adoption requires the consent of a director under the *CFCSA* as the guardian of the child, and
 - the Director of Adoption is delegated by a director under the *CFCSA* to sign the consent.
- When a child in the continuing custody of a director under the *CFCSA* is placed for adoption with a family living in another province, the Director of Adoption has the delegated authority to sign the consent.
- When birth parent(s) or other guardian who requested placement through the ministry give consent to the adoption of a child, the Director of Adoption becomes guardian until an adoption order is made or the consent is revoked.
- The Director of Adoption signs the consent to the adoption when the application for adoption court package is received by Adoption Branch at the time of the adoption completion
 - refer to Practice Standard 59 to prepare the Director's consent for children placed under the *Adoption Act*
 - the director's consent for children in the continuing custody of a director under the *CFCSA* will be prepared by Adoption Branch.

Adoption Act
s. 24

When a required consent cannot be obtained:

- if the birth parent or guardian whose consent is required is deceased, confirm the death by obtaining a copy of the Death Certificate
- in all other situations:
 - the adoption order cannot be granted unless the required consent is dispensed with by court order
 - if at all possible, apply to the court to dispense with the consent before the application for an adoption order, so that planning for the child is not put at risk
 - refer to Practice Standard 41 for instruction when dispensing with consent
- in addition, when the birth father has acknowledged paternity but declines to consent, send him a letter which confirms the following (refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for a sample letter):
 - that his consent has been requested and that he has declined to consent, and
 - that you will be proceeding with an application to the court to dispense with his consent.

When preparing to complete the adoption:

- for a ministry arranged adoption, refer to Practice Standard 59
- for a direct placement, refer to Practice Standard 74
- for an adoption under section 48, refer to Practice Standard 78.

PRACTICE STANDARD 40

Taking Consent to Adoption

Before taking consent to an adoption, you must ensure that the person consenting:

- has been informed of his or her right to independent legal counsel
- appears to have the capacity to give consent
- has been informed about, and appears to understand, the meaning and effect of consenting to adoption
- if he or she is a child 12 years of age or older, has been informed about the right to consent to a name change
- has been informed about and appears to understand what revocation of consent means and the circumstances under which he or she may revoke consent, and
- appears to be giving consent freely and voluntarily.

When a birth mother is unwilling to name the birth father, prior to taking her consent, you must:

- advise her to seek independent legal advice, and
- contact Adoption Branch for a consultation with Legal Services Branch.

Commentary

Adoption Reg.
s. 9

Adoption is a lifelong experience that has a unique impact on all parties involved. Deciding to consent to adoption is a life-changing decision, laden with emotions, that affects the child and birth family forever. A person consenting to adoption must do so freely and voluntarily after being fully informed and appearing to understand the effect and meaning of the consent. When taking consent to adoption it is your responsibility to ensure that the person who is consenting is protected from unnecessary pressures, has been provided with full information in a manner that the person can comprehend, is free to express his or her emotions and understands the finality of the decision.

Adoption Act
s. 37

A person consenting to an adoption should understand that following the adoption order their parental rights and obligations are extinguished, and the child becomes the child of the adoptive parent(s) and they become the parent(s) of the child. However, an adoption order does not affect any Aboriginal rights the child has nor does it affect any property or rights invested in the child prior to the adoption.

Adoption Act
s. 24

Birth parent(s) or guardian(s) voluntarily planning adoption for a child should be aware that when they consent to the child's adoption, the Director of Adoption becomes the guardian of the child and the Public Trustee becomes the guardian of the child's estate until the adoption order is granted.

Adoption Reg.
s. 9

The forms used when taking consents are prescribed in the *Adoption Regulation*

Guidelines:

Providing access to legal counsel before taking consents

CFCSA
s. 70

When a child 12 years of age or over, or a birth parent, is in the care of a director under the *CFCSA* provide him or her with the opportunity to consult with an independent lawyer about adoption.

- If the child or birth parent is in the care of a director under the *CFCSA* and wishes to speak with a lawyer, contact Adoption Branch who will contact Legal Services Branch to appoint outside counsel.
- If the birth parent is in voluntary care and wishes to speak with a lawyer, refer him or her to Legal Services Society.

When determining the child's capacity to consent to adoption

There is a presumption that every child over 12 years of age has the capacity to consent. Seldom, and only in extreme cases, would the court view a child over 12 years of age as lacking the capacity to consent.

If you have concerns about the child's capacity:

- consider the following factors:
 - the child's developmental level and maturity
 - the child's capacity to understand the complexity of adoption, including the legal meaning, the concept of adoption as lifelong, and the consequences of adoption for the child, and
 - the child's ability to make the decision to consent to his or her adoption independently and voluntarily
- consult with professionals who know the child, including the child's primary physician, and with the child's caregivers
- if any doubt remains regarding the child's capacity, obtain a more detailed assessment from a psychiatrist or psychologist, and
- if there is any doubt about the child's capacity to give an informed or voluntary consent, delay taking the consent and consult with your supervisor/team leader.

When determining the capacity of birth parent(s) or guardian(s) to consent to adoption, consider:

- whether the person has been declared incapable of managing himself or herself and his or her affairs under the *Patients Property Act*, the *Adult Guardianship Act* or the *Mental Health Act*
- whether the person has the capacity to understand:
 - the complexity of adoption, including the legal consequences of termination of parental rights and responsibilities to the child
 - the concept of adoption as lifelong and permanent, and
 - the consequences of adoption for the person and the child
- whether the person's capacity to understand those matters is inhibited by a psychological or physical limitation, including an influence of drugs or alcohol, and
- whether the person is able to consent to adoption independently, without pressure or coercion from any person.

Additional considerations when determining the birth mother's capacity to consent:

In addition to the considerations listed above, consider how the following might influence the birth mother's capacity to consent:

- There may be complications related to the delivery of the child, such as medications administered or caesarean deliveries.
- The days following the child's birth are filled with emotion and physical recovery and there is a period of emotional adjustment after giving birth to a child.
- Women whose pregnancy was unplanned may experience periods of denial and fear in which their ability to plan for the child and themselves may be dramatically affected.

- There may be ambivalence in the birth mother's relationships with the birth father, her parents and other significant people.

If there is any doubt about a birth parent's or guardian's consent

If you have any doubt about a birth parent's or guardian's capacity to give an informed or voluntary consent, or when you are concerned that the birth mother's physical or emotional condition may impair her ability to make a decision or feel that she is wavering in her decision:

- delay taking the consent
- assist the birth mother in accessing any support services she requests
- seek consultation with your supervisor/team leader
- offer a Birth Parent Pre-placement Agreement to enable the best possible planning for both parent and child (see Practice Standard 37), and
- be cautious and thorough with planning so as to avoid a possible revocation of consent.

When informing the child of the meaning and effect of consenting to adoption, include the following:

- what giving legal consent means
- that under the *Adoption Act* a child's consent to the adoption is required
- that under the *Act*, a child's consent is required to change either, or both, his or her given names or family name
- that the adoption placement will not take place without the child's involvement and written consent
- that a person's access rights to the child terminates when the adoption order is granted, unless the court continues or varies the access order
- the legal and social effects of an adoption order, and
- when informing an Aboriginal child, that adoption does not affect his or her Aboriginal rights.

When informing the child about revoking consent, include the following:

- what revoking consent means
- that the child can revoke consent anytime before the adoption order is granted, even if he or she has signed the consent and is living with the prospective adoptive parent(s)
- the possible outcomes of revocation
- who the child should inform if he or she wants to revoke consent
- that an adoption worker will discuss alternative care plans with the child if the child is considering revocation
- that it is preferable for the child's revocation of consent to be in writing and signed by the child, and
- that an adoption worker will assist the child in writing the revocation and will notify the prospective adoptive parent(s), if the child wishes.

When informing birth parent(s) or guardian(s) about the meaning and effect of consenting to adoption, include the following:

- Once consents are signed, the Director of Adoption becomes the guardian of the child (except when the child is placed in a direct placement, in which case the prospective adoptive parent(s) named in the consent become the joint guardian of the child with the birth parent or guardian named in the consent).
- As guardian of the child, final decisions rest with the Director of Adoption and are made in the child's best interests.

- Their continuing involvement in adoption planning after consents are signed is in the best interests of the child and may include:
 - choosing an adoptive family
 - providing medical and social information for the child,
 - participating in openness agreements.
- Once consents are signed, birth parent(s) or guardian(s) cease to have any parental rights or obligations with respect to the child.
- Signing adoption consents is not conditional on the openness arrangements agreed to by the birth and adoptive parent(s).
- When the adoption order is granted:
 - the child becomes the child of the adoptive parent(s)
 - the adoptive parent(s) become the parent(s) of the child
 - an interest in property or a right of the adopted child that was vested in the child before the date of the adoption order is not affected
 - any Aboriginal rights the child has are not affected, and
 - any order or agreement for access to the child terminates unless the court orders otherwise.

In addition, when the birth father is not involved, inform the birth mother of the potential consequences of not naming the birth father:

- refer to Practice Standard 32
- if a birth mother is unwilling to name the birth father:
 - advise her to seek independent legal advice
 - contact Adoption Branch for a consultation with Legal Services Branch

A decision about whether to take her consent to the adoption is made on the basis of the facts specific to her situation.

When informing birth parent(s) or guardian(s) about revocation of consent and the circumstances under which they can revoke consent, include the following:

- A person who consents to a child's adoption may revoke his or her consent in writing anytime prior to the adoption placement, as long as written revocation is received by the ministry or a licensed British Columbia adoption agency prior to placement with the prospective adoptive parent(s).
- A birth mother may revoke her consent in writing within 30 days of the child's birth (even though the child may already have been placed for adoption) as long as the written revocation is received by the ministry or a licensed British Columbia adoption agency before the end of the 30 days.
- A person who consents to a child's adoption may, after the child has been placed for adoption, but before an adoption order is granted, apply to the court to revoke a consent.

Refer to Practice Standard 42 for additional information on revocation of consent.

When you are preparing to take consents:

- provide a private and quiet place in which to take the consent
- provide an interpreter for anyone who does not speak English fluently:
 - who will read and explain the consent to adoption in the person's language of choice, and
 - who respects the confidentiality of the consent and adoption process and will not disclose any information

- allow adequate time to explain the procedure and its consequences, to review all documents and to answer any questions from the person who is consenting
- if the person consenting becomes upset at any point, decide, based on your knowledge of the person, whether to take the consent at another time
- ensure that the person consenting is not ill, in hospital or under the influence of alcohol or drugs
- ensure there is no suggestion of duress
- if a couple wants to sign consents together, interview each separately first to ensure that neither is under any pressure to consent
- if the person consenting asks to have a friend or relative present, have a private discussion with the person consenting before signing to ensure that he or she is under no pressure from family members or others.

If an openness agreement has been requested by participants in the adoption, it is not signed at this time, but at a later date (after consents have been signed but before the adoption order is granted) to ensure that it is viewed as separate and apart from the consent process.

When taking a birth mother's consent

A birth mother's consent is taken at least 10 days after the child's birth, otherwise it is not valid.

- This allows the birth mother time to recover from the birth of the child before making a decision that will impact on her life and that of her child.
- To avoid any disputes or questioning of consents, when calculating 10 days from the child's birth, do not count the day of the birth or the day the consent is given. When those days are included, the total will be 12 days.

The father's consent can be taken at any time following the birth of the child.

Adoption consent forms to use

Use the following consent forms, which are prescribed in the *Adoption Act* and *Adoption Regulation*

- Parent or Guardian's Consent to Adoption (CF2655)
 - for the consent of the birth parent(s) or guardian, and
 - for the Director of Adoption when consenting to the adoption of a child voluntarily placed under the *Adoption Act*.
- Consent to Adoption by Child over 12 (CF2654)
 - for the child's consent.

The form used for the consent of the Director of Adoption when a child is in the continuing custody of a director under the *CFCSA* will be completed by Adoption Branch at the time of the adoption completion.

Steps in witnessing consent to an adoption

When you have delegated authority under the *Adoption Act* you have the authority to witness consent to adoption following these steps:

1. Request picture ID of the person swearing the affidavit to confirm the person's identity.
2. Read the affidavit aloud to the person swearing the affidavit.
3. Have the person consenting read and sign the affidavit.
4. Ensure that all persons signing use their normal signature and sign in ink.
5. Ensure that any errors, corrections or additions are initialled by the person consenting and by yourself as the witness.
6. Ask the person signing the following questions:

“Is this your correct name?”

“Do you understand the contents of this affidavit?”

“Do you swear that the contents are true?”

7. If the person answers yes to these questions, sign and date the affidavit.

Section 61 of the *Evidence Act* authorizes as commissioners anyone delegated under the *Adoption Act* when carrying out their duties.

When taking consents for an adoption to be completed in another jurisdiction:

- ensure that the request is from a child welfare authority in another Canadian province or territory for the adoption of a child in care (refer to Chapter 10 for a definition of a child in care), otherwise
- refer the party to seek legal counsel or to a notary as you have no other authority to commission consents for adoptions completed outside of the province.

When consents have been signed and the child is to be placed on an interim basis with caregivers:

- notify the Public Guardian and Trustee of B.C. (refer to the guidelines in Practice Standard 55).

PRACTICE STANDARD 41**Dispensing with Consent**

If you are unable to obtain a required consent, before applying to the court to dispense with the consent, you must determine:

- whether it is in the child's best interests for the adoption to proceed without the required consent, and
- whether the circumstances allow you to dispense with the consent.

You must consult with your supervisor/team leader and Adoption Branch before applying to the court to dispense with a required consent.

You must apply for an order to dispense with a required consent before the application for an adoption order, unless reasonable but unsuccessful efforts have been made to locate the person whose consent is being dispensed with, in which case an application to court dispensing with consent may be made with an application for an adoption order.

Commentary

Adoption Act
s. 17

An application may be made to court to dispense with any required consent to adoption. In order to dispense with consent, the court must be satisfied that it is in the child's best interests to make the order or that circumstances are such that dispensing with the person's consent is required.

An application to dispense with a required consent should be made as early as possible, to lessen the potential for delay in the child's placement or for an interruption to the child's placement.

If you are applying to dispense with notice to a birth father whose consent is not required under section 13 of the *Adoption Act* refer to Practice Standard 32.

Guidelines

Adoption Act
s. 17(2)

Dispensing with the consent of a child 12 years of age

The consent of a child 12 years of age or over may only be dispensed with if it is determined that the child does not have the capacity to give an informed consent.

For direction on determining the child's capacity, refer to "When determining the child's capacity to consent to adoption" in the Guidelines section of Practice Standard 40.

Dispensing with other required consents

Dispensing with consent may be justified in the following circumstances:

- if you have determined that an adult whose consent is required is not capable of giving an informed consent, following the direction in Practice Standard 40
- a person whose consent is required cannot be located, and all reasonable efforts to locate the individual have been exhausted:
 - including where appropriate, an application to court by the ministry's lawyer to obtain an order for substituted service, (when, for example, the whereabouts of the individual is unknown but a close family member's location is known, and service has been made upon the family member)
 - refer to Practice Standard 8 for instruction on making reasonable efforts
- a person whose consent is required has abandoned or deserted the child

- a person whose consent is required has made no reasonable efforts to meet their parental obligations
- a person whose consent is required refuses to consent, and
- a person whose consent is required is not capable of caring for the child.

If you determine that an application should be made to dispense with a person's consent:

- consult with your supervisor/team leader
- contact Adoption Branch to advise them of the matter; Adoption Branch will consult with Legal Services Branch regarding:
 - whether to apply to court to dispense with the person's consent
 - the evidence required to dispense with the person's consent
 - when to apply to dispense with the person's consent
 - how to make application to dispense with the person's consent
- document all actions related to the dispensing of consent on the person's file.

Giving notice of an application to dispense with a person's consent

If an application is made to dispense with a person's consent, he or she is entitled to be given notice of the application in order to respond.

Refer to Practice Standard 8 for information on making reasonable efforts to give notice.

Making application to dispense with a person's consent without notice

In some circumstances, an application may be made without notice to the person, referred to as an *ex parte* application:

- consider an *ex parte* application only in exceptional circumstances, such as where it is impossible to locate the person or where there are legitimate and well-founded safety issues
- an application can be made before or after placement, but if at all possible, avoid a delay so that planning for the child is not put at risk, and
- when considering an *ex parte* application, contact Adoption Branch, who will consult with Legal Services Branch.

When to make an application for an order to dispense with consent

An application for an order to dispense with consent should be made before the application for an adoption order to lessen the potential for delay or interruption to the child's placement.

However, there may be rare circumstances when after making reasonable efforts a birth father cannot be contacted (for example when he is a foreign national on vacation in British Columbia); in this case an application to court dispensing with consent may be made with an application for an adoption order.

PRACTICE STANDARD 42

Revocation of Consents

Prior to placement, when a birth parent or guardian who had care and custody of a child revokes his or her consent in writing, you must:

- return the child to that person as soon as possible after receiving the written revocation, and
- as soon as possible after receiving the written revocation, make reasonable efforts to locate and inform all other persons who consented.

Prior to placement, when a non-custodial birth parent or guardian revokes his or her consent in writing, you must as soon as possible after receiving the written revocation make reasonable efforts to notify the consenting person who previously had care and custody.

After placement, when a birth mother revokes her consent in writing within 30 days of the child's birth, as the worker for the birth mother you must:

- immediately request that the adoption worker for the prospective adoptive parent(s) notify them of the revocation
- make reasonable efforts to give notice of the revocation to anyone else who consented
- ensure the child is returned to the birth mother as soon as possible after receiving revocation, and
- notify, in writing, your regional manager responsible for adoption and the Director of Adoption.

After placement, as the adoption worker for the prospective adoptive parent(s), when you are informed that the birth mother has revoked her consent within 30 days of the child's birth, you must:

- immediately notify the prospective adoptive parent(s), in person, if at all possible, of the birth mother's revocation
- follow up with written notice of the birth mother's revocation to the prospective adoptive parent(s) by registered mail, and
- assist the prospective adoptive parent(s) in returning the child to the birth mother.

After placement, when a child 12 years of age or over revokes his or her consent, as the adoption worker for the child/prospective adoptive parent(s), you must:

- assume planning for the child, and
- notify, in writing, your regional manager responsible for adoption and the Director of Adoption.

When there are child protection concerns about the return of the child to the birth parent(s) or guardian, you must:

- report the matter immediately to a person delegated under the *CFCSA* to determine if the child is in need of protection
- advise the birth parent(s) or guardian that you have reported the concerns and assist them in making contact with the child protection worker, and
- inform the Director of Adoption in writing of the action taken.

Commentary

- Adoption Act**
ss. 18-22
- The *Adoption Act* provides for anyone who has consented to an adoption to revoke his or her consent.
- Adoption Act**
s. 18
- Birth parent(s) or guardian(s) may revoke their consent before the child is placed with prospective adoptive parent(s). The revocation must be in writing and must be received before the ministry places the child. Consents taken under the former *Adoption Act* are valid under the current *Act* therefore if the child has not been placed for adoption, revocation applies to consents taken under either act.
- Adoption Act**
s. 96
- As soon as possible after receiving written revocation, you must make reasonable efforts to give notice of the revocation to anyone else who consented to the adoption. For instruction on making reasonable efforts, refer to Practice Standard 8.
- Adoption Act**
s. 18(2)
- The *Adoption Act* does not allow for the return of the child to a person who revokes consent, unless that person had care and custody of the child at the time the consent was given. When the person revoking consent did not have care and custody, the Director of Adoption is the guardian of the child and cannot return the child to the person revoking consent.
- Adoption Act**
s. 19
s. 19(2)(b)
- A birth mother has the right to revoke her consent within 30 days of the child's birth even if the child has been placed for adoption. When the revocation occurs, the child is returned to the birth mother. As soon as possible after receiving the written revocation, you are required to make reasonable efforts to give notice of the revocation to anyone else who consented to the adoption.
- The provision for revocation by a birth mother within 30 days of the child's birth recognizes the extra period of time that a birth mother may require to recover physically and emotionally from childbirth and to be certain of her decision to place her child for adoption. Careful planning can assist a birth mother to fully consider alternatives to adoption. However, some birth parents and prospective adoptive parents prefer to proceed with an adoption placement with full knowledge of the risk of revocation. Revocation after placement can be very painful and difficult for the prospective adoptive parent(s), but this can also be seen as an opportunity to consider a choice that is best for a child. It is generally recognized that, in most situations, it is best for children to grow up with their biological parents or extended family. As it is in the child's best interests to be returned to the birth mother as soon as possible, it is important to discuss planning with the birth mother and work towards a plan which gives priority to the child's needs.
- Adoption Act**
s. 20
- A child 12 years of age or older has the right to revoke consent any time before the adoption order is granted. This right applies to all types of adoptions: ministry, adoption agency, direct placement, relative, and step-parent adoptions. This is consistent with the fundamental principle that adoption be in the best interests of the child. A child who has signed consent and who is placed with prospective adoptive parent(s) continues to have the right to revoke the consent until the adoption order is granted. The child's revocation means that the adoption cannot be completed. In that case, an alternate permanency plan must be developed.
- Adoption Act**
s. 21
- Consent to the adoption of a child in British Columbia that is given under the legal requirements of another jurisdiction may be revoked in accordance with the law of that jurisdiction. However, in the case of a child who has consented in another jurisdiction to adoption in British Columbia, he or she may revoke consent, as provided for under the *Adoption Act* any time before the adoption order is granted.
- Adoption Act**
s. 22
- After a child is placed for adoption, a birth parent's or guardian's consent to the child's adoption may only be revoked by the court. A person wishing to revoke consent must make application to the court prior to the granting of the adoption order. On application, the court may revoke consent if it is satisfied that it is in the child's best interests. There is no provision for consent to be revoked after the adoption order is granted.

Guidelines

When a birth parent or guardian wishes to revoke consent before the child is placed:

- The revocation must be in writing and should contain:
 - the name and address of the person revoking consent
 - the child's date of birth and name as known to the person
 - a statement revoking consent to the adoption, and
 - the person's signature and the date.

At the request of a birth parent or guardian you may provide assistance with writing a statement of revocation. When you are informed verbally by a birth parent or guardian that they intend to revoke their consent, you have an obligation to assist them with their written revocation statement.

When you accept any written revocation:

- record when and how it was received (for example in person or by mail), and
- acknowledge receipt of the revocation in writing.

Prior to placement when a birth parent or guardian who had care and custody of the child revokes consent in writing:

- return the child to the custodial parent who has revoked consent as soon as possible
- provide the birth parent(s) or guardian(s) with support and information so that the child's return can be done in a manner consistent with the child's best interests
- encourage birth parent(s) or guardian(s) to consider the following:
 - the child's special needs and a plan of care which meets those needs
 - the need to prepare the child for the move (refer to Practice Standard 25) as the child may have continued in ministry care with little or no contact with birth parent(s) or family
 - the opportunity for birth parent(s) to visit the child and initiate a relationship before the child is returned
- when there are child protection concerns related to the return of the child:
 - proceed as described in this standard
 - document this action on the open (CS)
- make reasonable efforts to locate and inform all other persons who consented
 - see Practice Standard 8 for instruction on making reasonable efforts, and
 - if a person cannot be located and did not have care and custody of the child before signing consent, do not delay the return of the child.

Prior to placement, when a non-custodial parent revokes consent in writing:

- immediately notify the consenting person who previously had care and custody, in person or by phone
- if the custodial parent, on receiving notice of the non-custodial parent's revocation, decides to revoke consent, the child is returned to him or her
- if the custodial parent wishes to continue with the adoption plan:
 - unless the custodial parent revokes his or her consent, the Director of Adoption remains the guardian of the child
 - contact Adoption Branch to seek legal advice from Legal Services Branch about making an application to dispense with the non-custodial parent's consent.

The non-custodial parent or guardian may seek custody of the child under the *Family Relations Act*

After placement, when a birth mother revokes consent

After placement, a birth mother may revoke her consent in writing, if the ministry or a licensed British Columbia adoption agency receives the revocation within 30 days of the child's birth.

If the ministry made the adoption placement and you are the adoption worker for the birth mother and receive written revocation:

- immediately ask the adoption worker for the prospective adoptive parent(s) to notify them of the revocation
- make reasonable efforts to give notice of the revocation to anyone else who consented (refer to Practice Standard 8 regarding reasonable efforts)
- when there are child protection concerns related to the return of the child:
 - proceed as described in this standard
 - document this action on the open (CS)
- ensure the child is returned to the birth mother as soon as possible
- notify the Director of Adoption, in writing, of the birth mother's revocation, and
- notify the Public Guardian and Trustee of British Columbia that the adoption will not proceed.

If the child was placed through an adoption agency and the birth mother revokes consent in writing to the ministry:

- advise the administrator of the agency immediately and confirm the information in writing, accompanied by a copy of the revocation
- inform the birth mother that you have advised the agency.

The adoption agency is responsible for notifying the prospective adoptive parent(s) and any person who consented to the child's adoption, and for returning the child to the birth mother.

If you are the adoption worker for the prospective adoptive parent(s) and are informed that the birth mother has revoked her consent after placement:

- immediately give notice of the revocation to the prospective adoptive parent(s) in person or, if that is not possible, by telephone
- provide support to the prospective adoptive parent(s), as this is a traumatic occurrence and they will experience grief over the loss of the child
- consider referring the prospective adoptive parent(s) for grief counselling and/or to an adoption support group that may be able to connect them with another family that has experienced a revocation
- follow up with written notice of the revocation to the prospective adoptive parent(s), sent by registered mail with confirmation of delivery requested from Canada Post
- in co-operation with the birth mother and adoptive parent(s), ensure the child's move puts the needs of the child first and is done in the least-disruptive manner, including:
 - informing the birth mother of the child's medical and emotional needs, and
 - ensuring that she is aware of community support necessary to meet the child's special needs
- when transferring the child:
 - if all parties agree and are comfortable with the plan, the prospective adoptive parent(s) may meet directly with the birth mother to return the child
 - either or both adoption workers should be present at this meeting.

If the prospective adoptive parent(s) refuse to return the child to the birth mother:

- contact Adoption Branch who will seek advice from Legal Services Branch on how to proceed, and
- notify the prospective adoptive parent(s) that the ministry is seeking legal advice regarding their refusal to return the child to the birth mother.

After placement, when a birth parent or guardian (other than the birth mother within 30 days of the child's birth) wishes to revoke consent:

- inform the person that revocation may only be determined by the court
- advise them to seek legal counsel
- if the court revokes consent, notify the Public Guardian and Trustee of British Columbia that the adoption will not proceed.

When a child is considering revoking his or her consent:

- meet with the child privately as soon as possible
- if the child is unclear about revoking consent, meet together with the child and the prospective adoptive parent(s) to discuss the child's concerns about the adoption placement
- be clear in your involvement with both the child and the prospective adoptive parent(s) that as guardian of the child your responsibility is to expressly represent the views of the child and the child's interests
- if you are unable to resolve any differences between the child and the prospective adoptive parent(s), involve one of the following to solely represent the child's views and interests:
 - the child's former worker, even if it involves travel on the part of that worker
 - another guardianship worker within your region
 - the office of the Child, Youth and Family Advocate
 - independent legal counsel
- discuss the following to help the child reach a decision about revocation:
 - why the child wishes to revoke consent
 - the nature of the child's concerns about the adoption plan or placement
 - whether the child is trying to resolve concerns arising from adjustment to a new family
 - whether the child is not ready for the adoption to be finalized, but wishes to remain with the prospective adoptive parent(s)
 - whether the child does not want to be adopted by the prospective adoptive parent(s)
 - whether the child fully understands the meaning of revoking consent to the proposed adoption, and
 - the child's views about future planning, including legal status, living arrangements, and the development of meaningful relationships.

If the child decides to revoke consent

A child may revoke consent either verbally or in writing. If a child wishes to revoke consent:

- assist the child with the revocation
- explain to the child that because of the legal consequences of revocation, it is preferable that the revocation be in writing
- if the child chooses to personally write or sign a revocation statement that you have prepared, include the following:
 - the child's full name, birth date and address
 - a statement revoking consent to his or her adoption

- the child's signature and the date.

After the child has revoked consent:

- immediately notify the prospective adoptive parent(s) of the child's revocation either in person or, if that is not possible, by telephone
- consider the following future plans for the child:
 - returning the child to the birth parent(s) or guardian who consented to the child's adoption and who had care and custody of the child:
 - if they are willing to have the child returned to them and,
 - if the child wishes to do so
 - if the child is in the continuing custody of a director under the *CFCSA* placing the child in a ministry approved residential resource, or
 - the child's continued placement with the prospective adoptive parent(s) if they and the child agree, and provided that adoption is not pursued at this time
- review the child's comprehensive plan of care
- determine the best person to assist the child with his or her emotional needs around the trauma of revocation and involve that person in providing support and/or counselling for the child
- provide support to the prospective adoptive parent(s) and consider referring them for grief counselling and/or to an adoption support group that may be able to connect them with another family who has experienced a revocation
- send the prospective adoptive parent(s) written confirmation of the child's revocation by registered mail, requesting confirmation of delivery from Canada Post
- prepare a written report of the circumstances for:
 - the Director of Adoption, and
 - your regional manager responsible for adoption
- notify the Public Guardian and Trustee of British Columbia that the adoption will not proceed.

When a birth mother revokes her consent in a direct placement adoption

If a birth mother requests assistance to revoke her consent within 30 days of the child's birth in a direct placement adoption:

- Advise her that the joint guardianship between the birth parent(s) and the prospective adoptive parent(s) will terminate and that guardianship of the child will revert to the person who had guardianship prior to the child being placed for adoption. If there is any confusion regarding guardianship (as between the birth parents), advise her to seek legal advice.
- When the birth mother wishes to revoke her consent:
 - as the worker receiving the revocation, contact the worker for the prospective adoptive parent(s) and ask the worker to give notice of the revocation to the prospective adoptive parent(s) in person, or if that is not possible, by phone
 - make reasonable efforts to send a copy of the revocation to anyone else who consented to the adoption (refer to Practice Standard 8 for reasonable efforts)
 - when a birth father has joint guardianship of the child with the birth mother and the prospective adoptive parent(s), make reasonable efforts to inform him of the revocation in person, or if that is not possible, by telephone
 - confirm all personal notices of revocation by registered mail, requesting confirmation of delivery from Canada Post
 - if a dispute arises, it may result in private litigation, and
 - if the birth mother requires counsel, refer her to Legal Services Society.

If a birth mother after the 30 day revocation period, or a birth father who has joint guardianship, wishes to revoke consent in a direct placement before the adoption order is granted:

- the person must make an application to the court
- advise that person to seek legal counsel
- if the court revokes consent, it is the responsibility of the lawyer for the person revoking consent to notify the Public Guardian and Trustee of British Columbia that the adoption will not proceed.

When a child from another province placed for adoption in British Columbia wishes to revoke consent

When a child who is in the permanent guardianship of another province has been placed for adoption in British Columbia indicates he or she wishes to revoke consent:

- regardless of the laws of the jurisdiction in which the child consented to adoption, a child can revoke consent under the *Adoption Act* if their adoption is taking place in British Columbia
 - notify the other jurisdiction of the child's revocation
 - inform the prospective adoptive parent(s) of the child's revocation
 - if it is not appropriate for the child to remain in the prospective adoptive parent(s)' home, determine if assistance is required to return the child to his or her jurisdiction
 - if appropriate, arrange for the transfer of the child through the guardian province, and
 - if there is no immediate decision on a plan of care for the child, place the child in a ministry approved residential resource.

When a child who is in British Columbia to be adopted under section 48 of the *Adoption Act* wishes to revoke consent, refer to Practice Standard 78.

CHAPTER 6:

Adoption Planning with Prospective Adoptive Parents: Pre-placement and Placement

Services to prospective adoptive parents are provided in order to identify, prepare and assess loving, secure adoptive families for children, and to ensure that each child is adopted by a family that is fully informed about and able to meet the child's needs. Decisions about the placement of a child with prospective adoptive parent(s) are always made in the child's best interests, which includes the importance of providing permanency for a child in a timely manner.

The *Adoption Act* enables one adult, or two adults jointly, to adopt. Each applicant is entitled to a fair and equal assessment of his or her skills and capacity to meet the needs of children awaiting permanent families.

Applicants are approved for adoption on the basis of a homestudy. The homestudy is defined by the *Adoption Regulation* as a process having two components:

- an adoption education component to help prepare the prospective adoptive parent(s) for adoption
- a structured family assessment to determine the prospective adoptive parent(s)' ability to provide for the physical and emotional needs of a child

The results of the homestudy process are summarized in a written family assessment that includes a recommendation on whether to approve the prospective adoptive parent(s) for an adoption placement.

Providing adoption services to prospective adoptive parents requires respect and sensitivity to the feelings they may have concerning their inability to have a biological child. Even when infertility is not an issue, some prospective adoptive parents may grieve the loss of those early months or years with the child prior to the adoption placement.

PRACTICE STANDARD 43

Providing Adoption Information and Accepting the Application to Adopt

When prospective adoptive parent(s) contact the ministry expressing an interest in adoption, you must respond within 7 working days and:

- clarify your responsibilities under the *Adoption Act* and the *CFCSA* including giving paramount consideration to the child's best interests in all circumstances
- provide them with information about adoption, including:
 - eligibility requirements
 - pre- and post-placement services provided by the ministry
 - services available through licensed adoption agencies, and adoption support groups
 - the regulation of payment of birth parent expenses
 - the children awaiting placement
 - post-adoption assistance
 - the adoption process, including time frames and requirements
 - the homestudy process, explaining that it consists of an education component and an objective, structured family assessment with no guarantee of approval or of an adoption placement
 - openness and access in adoption
 - the importance of preserving the Aboriginal child's cultural identity, and
 - the fee schedule for applicable services.

You must personally interview each applicant to determine:

- whether the applicant is eligible to adopt a child in British Columbia
- in the case where they are applying for a child with special service needs, whether the applicant(s) have a reasonable understanding of the long-term impact of these needs and are prepared to accept the significant behavioural and emotional issues associated with these needs, and
- whether the applicant is Aboriginal.

When prospective adoptive parent(s) submit an application to the ministry for children awaiting placement, you must:

- register the application with Adoption Branch
- begin the homestudy process for:
 - those applying for a specific child in continuing custody awaiting placement
 - those applying for a child in care with special service needs where you have determined that they understand the long-term impact of those needs and are prepared to accept the issues associated with them
- within 10 working days, provide them with the applicable forms and information required for the structured family assessment component of the homestudy process, and
- advise Adoption Branch of the decision to begin the homestudy process.

If the application is for a child with no special service needs or a child with only special placement needs, wait for Adoption Branch to request that you begin the homestudy process.

You must make contact annually with applicants waiting for the homestudy process to begin.

Commentary

The Child Welfare League of America (CWLA) *Standards of Excellence for Adoption Services (2000)* states that “building a family by adoption is now understood to be fundamentally different than building a family biologically, with lifelong implications for the adopted individual, the adoptive parent(s) and the birth parent(s) ... Families choosing to build or expand their families through adoption are increasingly diverse; however they have one thing in common: they are willing and able to make a lifelong commitment to protect and nurture a child not born to them and to provide a safe, loving family for that child.” As the goal of all adoption programs is the timely adoption by an appropriate family for each child in need of a family, your responsibility is to respond to expressions of interest from all applicants promptly, and to advise them of your dual role, which is to provide education and preparation, and to assess their capacity to meet the needs of any child placed with them.

Prospective adoptive parents should be given an opportunity to learn general information about adoption before they submit a written application. This information may be provided either through a group orientation or through a personal interview. Interviews with prospective adoptive parents, however, are conducted personally to determine their eligibility to adopt a child in British Columbia and to discuss their individual circumstances. Your initial role is to provide prospective adoptive parents with a realistic clarification of adoption services and procedures, while conveying at the onset that, while the purpose of adoption is to provide new and permanent family ties, your primary obligation is to the best interests of the child.

Adoption Act
s. 5

An individual, or two persons jointly, who are 19 years of age or older and residents of British Columbia may apply to adopt. A child may be placed for adoption with prospective adoptive parent(s) who meet these basic criteria and who have been approved on the basis of a homestudy (education and family assessment components).

Adoption Act
s. 84(1)(2)

It is against the law for anyone to pay for or reward a person for procuring a child or placing or arranging the placement of a child for adoption, except for specific payments defined in the *Adoption Act*. The payments that prospective adoptive parent(s) may provide for birth parent(s)' expenses are specified in the *Adoption Regulation*. At the time of the adoption completion, prospective adoptive parent(s) must complete and file with the court the Birth Parent Expenses Affidavit, which verifies the amounts they have paid to or on behalf of the birth parent(s).

Adoption Reg.
s. 10
s. 17

You are responsible for determining whether to begin the homestudy process (education and family assessment components) for a child with special service needs or whether the application should be waitlisted. The homestudy process begins immediately when applicants are prepared to adopt a child with a special service need as defined in the *Adoption Regulation* and you determine that they have a reasonable understanding of the long-term impact of these special service needs and are prepared to accept the significant behavioural and emotional issues associated with them.

Adoption Reg.
s. 26(c)(i)

When an application is accepted for a child with no special service needs, Adoption Branch will request that you begin the homestudy process based on the date an application was registered or for a child with special placement needs.

Guidelines

Document adoption inquiries on the Adoption Intake (CF2723).

When informing prospective adoptive parent(s) about adoption eligibility requirements, include the following:

- applicants must be 19 years or older
- an individual, or two adults jointly, may apply to adopt
- the *Adoption Act* enables same-sex and common-law couples to make a joint application to adopt
- each prospective adoptive parent must be a resident of British Columbia, defined in the *Adoption Regulations* as someone who has continuously resided in British Columbia for:
 - at least 6 months immediately preceding the placement of a child, or
 - less than 6 months immediately preceding the placement of the child, but who has been approved as a prospective adoptive parent under the laws of another jurisdiction in Canada.

Adoption Reg.
s. 2

Adoption Reg.
s. 2(4)

A person does not cease residing in British Columbia by leaving the province for temporary purposes or for purposes of employment.

When informing prospective adoptive parent(s) about the pre-placement process, include the following:

- the ministry accepts applications and completes homestudies (education and family assessment components) for B.C. children who:
 - are awaiting placement and have special service and/or placement needs, or
 - have no special service or placement needs
- if prospective adoptive parent(s) are interested in:
 - non-ministry intercountry or interprovincial adoption, refer to Practice Standard 75
 - direct placements, refer to Chapter 11
- if prospective adoptive parent(s) have a written family assessment completed by a British Columbia licensed adoption agency, or by a child welfare agency in another province or territory, it may be used for the purposes of a placement by the ministry if it meets ministry standards (see Practice Standard 48).

When prospective adoptive parent(s) apply to adopt a child in care in another province

The *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* describes a process whereby adoption applicants who have applied to adopt a child in care in one province may have their application accepted in another province when they move to that province. The protocol:

- provides that the application date of prospective adoptive parent(s) who have applied to adopt a child in care of a child welfare authority be honoured when moving to another province or territory
 - the interprovincial protocol defines a “child in care” as a child in the care, custody or guardianship of a child welfare authority by a court order, voluntary agreement or adoption consent
- requires that with written authorization of the applicant(s) who have applied to adopt a child in care, the province in which the applicant(s) reside will forward any required documents on the applicant(s)' file within 30 days of receiving the authorization. These include:
 - a copy of the application to adopt

- a copy of the homestudy (education and family assessment components)
- copies of supporting documentation on the (AH) file including applicable checks, medical reports and personal references, and
- other relevant information and documentation on the (AH) file.

For information on interprovincial adoptions, refer to Chapter 10 and to the interprovincial protocol in the Appendix.

When informing prospective adoptive parent(s) about post-placement services, include the following:

- the ministry is guardian of the child during the post-placement period; the agreement that is signed at the time of placement specifies the responsibilities of the prospective adoptive parent(s) and the ministry.

When providing information about services available through licensed British Columbia adoption agencies and support groups, include the following:

- licensed B.C. adoption agencies are able to provide more timely service for applications for infants with no special service needs, non-ministry intercountry or interprovincial adoption, and direct placements
- while prospective adoptive parent(s) may take their written family assessment to an adoption agency to request placement, each adoption agency has its own fee structure and policies regarding the placement of children, and families should explore this directly with the agency
- local or provincial adoption community support groups can be a source of ongoing support and up-to-date information about adoption issues, and they provide regular newsletters and frequent workshops.

For names and addresses of B.C. licensed adoption agencies and provincial adoption community support groups, refer to the Appendix.

When informing the prospective adoptive parent(s) about children awaiting placement

It is essential that applicants be given a balanced yet positive description of the children in the ministry's care awaiting adoption placement.

Explain to prospective adoptive parent(s) that children awaiting placement:

- have many strengths, and their adoption can be a rewarding way to expand a family; however, adoptive families should be prepared to face challenges
- have strengths that may include:
 - drive and determination
 - charm and devotion
 - strongly developed survival skills
 - an affectionate and often loving personality
 - individual areas of special efforts and achievements (for example athletic or artistic ability)
- are generally older than infants and may have siblings
- may have or be at risk of developing one or more of the following, which may affect them throughout their lives:
 - significant behavioural and emotional issues
 - significant learning and developmental disabilities
 - significant effects of prolonged pre-natal exposure to alcohol and drugs
 - attention deficit hyperactivity disorder
 - ongoing medical problems

- withdrawn and/or unresponsive behaviour
- poor impulse control and/or aggressive behaviour
- difficulties with anger management
- difficult peer relationships
- inappropriate sexual activity
- attachment issues due to background factors such as multiple caregivers or abuse, and
- genetic risks for developing diagnosed mental health problems such as schizophrenia, mood disorders or personality disorders.

To give prospective adoptive parent(s) more information on children awaiting placement, share the Adoption Questionnaire Reference Guide and the Adoption Bulletin with them (refer to Practice Standard 17 for restrictions on sharing information in the Bulletin with prospective adoptive parents).

When informing prospective adoptive parent(s) about the structured family assessment component of the homestudy process, include the following:

- they will be required to consent to a prior contact check and to comply with requirements for obtaining criminal record information, medical references and personal references
- as part of the approval process, all the information provided will be reviewed
- they will not be approved for placement by the ministry if their child management practice is not compatible with ministry standards regarding behaviour management (refer to Practice Standard 17 in *Practice Standards for Guardianship*)
- physical discipline, such as spanking, is one of the behaviour management practices that is expressly forbidden, and
- a child placed for adoption through the ministry has the same rights throughout the post-placement period and until the adoption order is granted as a child in care.

Provide prospective adoptive parent(s) with the ministry handout that describes MCF behaviour management practices and recommended safety and emergency practices.

As appropriate, provide prospective adoptive parent(s) with information about:

- post-adoption assistance (refer to Chapter 7)
- openness (refer to Chapter 2)
- preserving an Aboriginal child's cultural identity (refer to Practice Standard 4).

When individuals wish to proceed with an application, provide them with the following:

- an Application to Adopt (CF1013) which includes a consent for disclosure of information, and inform prospective adoptive parent(s) that the consent:
 - authorizes a prior contact check of information held by the ministry, and
 - provides consent for future prior contact checks
- a fee schedule (if their application is for a child with no special service or placement needs)
- a Consent to Disclosure of Information (CF0609) to obtain the consent for a prior contact check for any other adults in the home
- an Adoption Questionnaire Reference Guide, and
- an Adoption Questionnaire (CF1048) and assist them to complete the form by providing information about the needs of the children awaiting placement.

When determining if the applicant(s) have a reasonable understanding of the children with special service needs they are applying to adopt:

- review the completed application and questionnaire
- personally interview prospective adoptive parent(s) on at least one occasion and determine that applicants for a child with special service needs understand and are prepared to accept the significant long-term behavioural and emotional issues associated with these needs, by:
 - determining if they have taken courses or have discussed issues related to special service needs with community resources, caregivers or experienced adoptive parents
 - reviewing with them helpful reading material such as the Adoption Questionnaire Reference Guide and providing handouts on special service needs or the names of community resources they may wish to contact
 - discussing their knowledge of special service needs based on their personal experiences, reading, course work or contact with community resources
- after you have determined that they have a reasonable understanding of the children with special service needs they are applying to adopt, begin the homestudy process.

Adoption Reg.
s. 26(c)(i)

Special service needs of children awaiting adoption placement are defined as:

- a diagnosed physical disability or mental disability or both
- a diagnosed emotional disturbance or behavioral disturbance or both
- a recognized high risk of developing a physical disability or mental disability or both, or
- a recognized high risk of developing an emotional disturbance or behavioral disturbance, or both, due to pre-natal or post-natal history.

When determining if the applicant(s) are Aboriginal

Ask the applicants:

- if they are registered under the *Indian Act*
- if they have a biological parent registered under the *Indian Act*
- if they have Aboriginal ancestry and consider themselves Aboriginal
- if they are citizens of the Nisga'a Lisims Government
- to identify their cultural group or First Nation (such as Coast Salish, Nisga'a) on the Application to Adopt (CF1013).

When the completed application and questionnaire are returned:

- ensure the application has been date stamped
- if you receive an application from prospective adoptive parent(s) who are registered for adoption with a child welfare authority in another province or territory:
 - obtain written authorization from the prospective adoptive parent(s) to request copies of their application and any other documents you may require that are on file with the child welfare authority, using the Consent for Disclosure of Information (CF0609)
 - send the authorization and a written request for the documents to the child welfare authority (according to the interprovincial protocol, the child welfare authority will send all requested documents within 30 days)
- open an (AH) file
- retain the original application and questionnaire and forward copies of each to Adoption Branch
 - the registration is confirmed on the Adoption Program System, Adoption Applicants Report (P745-01), provided monthly to district offices

- attach the Checklist for Summary Recording (refer to *Appendix of the Administrative Procedures and Guidelines for Adoption Services*) to the front of the file to assist you in gathering required dates and information
- give prospective adoptive parent(s) written confirmation of the date their application is registered
- notify Adoption Branch of the decision to begin the homestudy process.

When an application is accepted for a child with no special service needs

Adoption Branch will request that the homestudy process begin based on the date an application was registered, as follows:

- when prospective adoptive parent(s) do not have a written family assessment, the date their application is date stamped at the district office is the date of registration
- when prospective adoptive parent(s) have moved to British Columbia from another province, the date of their application in the other province is the date of registration, and
- when prospective adoptive parent(s) have a written family assessment completed by a licensed B.C. adoption agency, the date the study was approved by the agency is the date registered with Adoption Branch.

When prospective adoptive parent(s) are waiting for the homestudy process to begin

If an application has been accepted, and prospective adoptive parent(s) are waiting for the homestudy to begin, contact them annually in person or, if that is not possible, by letter, providing the following information:

- the expected length of time before the homestudy process begins
- adoption training opportunities available through the ministry or adoption community support groups
- that if they move out of British Columbia, they will remain eligible if they meet residency requirements, and their application can remain open during the temporary period.

When applicants for an infant with no special service or only special placement needs are waiting for the homestudy process to begin

In addition to the above information, provide information about the following:

- the ministry's children awaiting adoption placement
- the option of applying through a licensed adoption agency
- that an application to adopt and the application date are not affected when prospective adoptive parent(s) adopt a child with special service or placement needs for whom they have been caregivers
- the expectation that you are notified of any significant change in their circumstances
- that when there is a change in their relationship that affects their application (a marriage or divorce, for example):
 - a new application is completed, and
 - their original application is closed, but its date of application, which was registered with Adoption Branch, will be assumed by the new application
- that if they have a child by birth or adoption a new application is completed and the date the child was born or placed with them is the new date which is registered with Adoption Branch.

PRACTICE STANDARD 44

The Homestudy Process: The Adoption Education and Structured Family Assessment Components

In order to approve applicants for adoption, you must complete the education component and structured family assessment component of the homestudy process.

For the educational component of the homestudy, you must ensure that the prospective adoptive parent(s) complete a ministry-approved education program.

For the structured family assessment, you must conduct the assessment according to ministry-prescribed guidelines.

When conducting the structured family assessment, you must:

- gather the following documents:
 - results of prior contact checks
 - the results of all criminal record searches
 - physician's reports
 - a minimum of four references
- conduct a fair and impartial assessment process that includes:
 - individual and joint interviews if there are two applicants
 - interviews of any young children living in the home as part of the interview with their parent(s)
 - interviews separate from those with the parent(s) of any child 7 years of age or older to determine the child's views about the proposed adoption
 - separate, in-person interviews with other members of the household
 - at least one interview with all members of the household together so that you can assess how they relate to each other
 - at least one interview held in the prospective adoptive parent(s) home
- allow for sufficient time to determine the readiness of the prospective adoptive parent(s) to adopt a child with the special service and/or placement needs for which they have applied, and
- complete the requirements for approval as described in Practice Standard 46.

Once the education component and structured family assessment have been completed, you must complete a written family assessment that:

- describes the preparation of the prospective adoptive parent(s) as required in the *Adoption Regulation*
- summarizes the structured family assessment, and
- includes a recommendation as to the prospective adoptive parent(s)' ability to parent by adoption a child with the special service and/or placement needs for which they have applied, and identifies the number and ages of children they are approved to adopt.

You must complete the written family assessment at least 3 months and no longer than 4 months after all required documentation, as described above, has been gathered. If the written family assessment cannot be completed within 4 months, you must:

- document the reasons for the delay, and
- obtain the approval of your supervisor/team leader.

Commentary

The homestudy is an interactive process between you and the prospective adoptive parent(s) in which each participant gives and receives information. The process comprises two components of equal importance: an education component and an assessment component.

The **adoption education component** is provided to help prospective adoptive parent(s) become knowledgeable about adoption, the children awaiting families, birth families and the impact of adoption as a lifelong experience.

The **structured family assessment component** is provided to:

- assist prospective adoptive parent(s) to integrate the information they have received during the adoption education component and gain a deeper understanding of how adoption will personally affect them, any children already in the home, the child to be adopted and the child's birth family, and
- assess the relationships and dynamics of the prospective adoptive family and their capacity to understand and meet the needs of a child with the special service and/or placement needs they have requested, both at placement and beyond.

The homestudy process should help applicants anticipate the unique needs of an adopted child and the complexities of adoptive parenthood. The Child Welfare League of America (CWLA) *Standards of Excellence for Adoption Services (2009)* states that because the adoption of a child changes a family forever, applicants need to be actively involved in the adoption process and assess for themselves the appropriateness of adoption for their family. Through this process, adoptive parent(s) become more comfortable with the differences between adoptive and biological parenthood and better equipped to meet the needs of a child who needs a permanent family. The time devoted to the homestudy process allows for growth and the possibility of change in the applicant(s)' attitudes and expectations as they come to understand adoption and the children awaiting adoption placement.

Adoption Reg.
s. 3

The requirements of the homestudy are prescribed in the *Adoption Regulation*. Acting in a fair and impartial manner while assessing the individual(s)' capacity to parent a child through adoption forms the foundation for your relationship throughout the placement and post-placement stages of adoption. The pre-placement requirements of the *Adoption Act* ensure that the focus of the education and assessment components of the home study is on the best interests of the child.

Adoption Reg.
s. 3(2)(3)

It is your responsibility to ensure that the education component of the homestudy prepares the prospective adoptive parent(s) with information about:

- separation and loss issues respecting birth parent(s), prospective adoptive parent(s) and the child to be adopted
- the difference between adoptive and biological parenting
- the lifelong implications of adoption and how it affects child and adult development
- the impact of the child's life experiences
- when applicable, inter-racial and cross-cultural adoption, and
- specific issues related to the special service and/or placement needs of the child.

In addition, where prospective adoptive parent(s) have applied for an Aboriginal child, the education component should include preparation about the importance of preserving the child's unique heritage and cultural identity.

The education and structured family assessment process leads to a decision by the ministry whether to recommend the prospective adoptive parent(s) for the placement of a child, and identification of the prospective adoptive parent(s)' strengths and limitations in relation to the child they wish to adopt.

Guidelines

When providing the ministry-approved education component of the homestudy process:

- where possible use a group format of the adoption education program so that prospective adoptive parent(s) can learn from the experiences of others
- when it is not possible to provide the education component in a group, provide education and information on an individual basis, using *Becoming an Adoptive Family in British Columbia - A Self Directed Guide*
- involve local birth parent(s), adoptive parent(s), adopted persons and caregiver groups in the development and delivery of the education component
- provide prospective adoptive parent(s) with a copy of the publication *A Guide for Daily Living: Parenting Children Affected by Fetal Alcohol Syndrome*.

Ensure that prospective adoptive parent(s) have received the education component of the homestudy process before a recommendation is made in the written family assessment.

When conducting a prior contact check:

- determine if there have been previous ministry contacts with the prospective adoptive family or any other adults residing in their home, including whether there has been a previous protocol investigation
- refer to the MCF User Guide for the procedure for conducting prior contact checks
- refer to Practice Standard 46 for guidelines for assessing the results of a prior contact check.

If the prospective adoptive parent has indicated on their Application to Adopt (CF1013) that they had previous child protection involvement in another province, territory or country where they resided, contact Adoption Branch for contact information to request that the prior contact check be completed in that jurisdiction.

When gathering information for the structured family assessment component of the homestudy process:

Meet with the prospective adoptive parent(s) to:

- confirm that the information on their Application to Adopt(CF1013) and Adoption Questionnaire (CF1048) remains current
- review proof of identity
- provide information about the education and structured family assessment components of the homestudy process, and a copy of the *Adoption Homestudy Assessment Guidelines*
- advise prospective adoptive parent(s) of the legal requirement that they provide information about criminal records and charges
- provide prospective adoptive parent(s) with a Physician's Report on Adoptive Applicant form (CF0605) for completion by their medical practitioner, registered and licensed by the College of Physicians and Surgeons of British Columbia:
 - inform them that any fees for completing the report are their responsibility
 - request their signature on the consent to disclosure of information included on the Physician's Report on Adoptive Applicant
 - when assessing the results of the medical report, refer to Practice Standard 46
- collect any applicable fees prior to beginning the assessment component:
 - there are no fees if prospective adoptive parent(s) are applying for a child in the ministry's care with special service or placement needs as defined in the guidelines to Practice Standard 43

Adoption Reg.
s. 3(1)(k)

- see Practice Standard 10 and *Administrative Procedures and Guidelines for Adoption Services* to determine fees
- retain copies of all documents gathered during the structured family assessment on the (AH) file.

Request that the prospective adoptive parent(s) and other adult members of their household provide information on criminal charges and records:

- by completing the Criminal Record Information (CF2002)
- by requesting a criminal record search from the local police or RCMP detachment:
 - law enforcement agencies have developed their own forms for releasing criminal record information and may charge fees for searches; if the law enforcement agency has no form available, consult with the agency regarding the use of the Consent to Disclosure of Information (CF0609)
 - the cost of fees are the responsibility of the applicant(s)
 - persons consenting to the criminal record search should present themselves to the appropriate local law enforcement agency with adequate identification, such as a driver's license or other document bearing a photograph and signature
 - advise the applicant(s) to request that the results be sent to your attention at your district office address
- by consenting to a search by the Criminal Records Review Agency
 - a search by the Criminal Records Review Agency provides information about some pardoned offences
 - guidelines for completing this search can be found on MCF Connect (Intranet)
- when a prospective adoptive parent or household member has maintained residency outside of Canada after the age of 18, by:
 - requesting a criminal record search from the embassy or consulate of that country, or
 - in unusual circumstances where that may not be possible, obtaining permission from your regional manager responsible for adoption to proceed.

When assessing the results of the criminal record search, refer to Practice Standard 46.

Request a minimum of four references, including one from each of the following:

- an individual who has known the applicant(s) for a minimum of 2 years
- an individual who has had an active association with the applicant(s) over the previous 6 months
- an involved member of the extended family, and
- in addition, if there are adult children living outside of the home, a reference from or an interview with at least one of these children.

If there are no adult children living outside the home, then the applicant(s) require two references from individuals who have had an active association with the applicant(s) over the previous 6 months.

Send each of the references a Request for Reference and Reference Outline (CF1036).

When assessing the results of the references, refer to Practice Standard 46.

When completing the structured family assessment interviews:

- if there are two applicants, interview them individually and jointly
- conduct at least one of the interviews in the prospective adoptive parent(s)' home
- include any young children living in the home in the interview with their parent(s)
- interview separately from the parent(s) any child 7 years of age or older to determine the child's views about the proposed adoption

- interview separately and in person other members of the household
- include at least one interview with all members of the household together so that you can assess how they relate to each other
- children living outside of the home may also be interviewed when you believe it would be beneficial
- allow for sufficient time:
 - for prospective adoptive parent(s) to integrate the education component and to make a careful choice about the special service and placement needs of a child they believe they have the capacity to parent
 - to assess the capacity of the prospective adoptive parent(s) to adopt a child with the special service and placement needs for which they have applied, and
 - for you and the prospective adoptive parent(s) to determine their readiness for adoption.

Advise prospective adoptive parent(s) that the written family assessment integrates the following:

- the prospective adoptive parent(s)' understanding of the education component
- the results of the documentation checks
- information gathered from interviews, and
- your assessment of the prospective adoptive parent(s)' capacity to parent a child with the special service and placement needs for which they have applied.

If you have concerns about the prospective adoptive family

If at any time during the structured family assessment, you are concerned about information you have received about the family from any source, including your personal interviews with the family:

- discuss it with the prospective adoptive parent(s) at the time the concerns arise
 - the discussion gives the prospective adoptive parent(s) the opportunity to respond and provide you with further information to consider in the decision whether to recommend them for placement of a child
- consult with your supervisor/team leader
- consider consulting with a relevant specialist (for example a medical specialist) to obtain more information
- if you believe it may still be possible to recommend approval, advise the prospective adoptive parent(s) what compensations they have to make in order for you to proceed (for example, participation in a parenting course).

If you and your supervisor/team leader believe the family can be approved in spite of concerns

Where you and your supervisor/team leader believe the family can be approved in spite of issues that have arisen from the prior contact check, the results of the criminal record search, or information from personal references or the physician's reports, include the following within the written family assessment:

- clarification of the issue (for example, if a decision is made to recommend approval of a prospective adoptive parent with a potentially life threatening medical condition, or a medical condition that impacts the applicant's parenting capacity, provide full and accurate information about the medical condition)
- the impact of the issue on the family's ability to care for the child, and
- the impact of any rehabilitation treatment or any intervention such as a drug and alcohol treatment and the results.

If prospective adoptive parent(s) decide not to continue with the homestudy process

As prospective adoptive parent(s) become more knowledgeable about adoption, the needs of children available for adoption and those for whom they are being studied, they may decide they do not want to adopt and decide to discontinue the homestudy process. In this case:

- record their decision, including any reasons given
- close the (AH) file, and
- notify Adoption Branch in writing when you have closed the (AH) file.

If you decide not to continue the homestudy process or not to approve the prospective adoptive parent(s):

- refer to Practice Standard 46.

Preparing the written family assessment:

The written family assessment is the basis for the initial selection of prospective adoptive parent(s) for a child. The *Adoption Homestudy Assessment Guidelines* outline information that is required by the *Adoption Regulation* and considered essential to making placement decisions. Refer to Practice Standard 45 for acceptable changes to the format when completing written family assessments for child-specific applicants and caregivers when they will not be viewed in conjunction with other written family assessments.

When completing the written family assessment:

- as prescribed in section 3 of the *Adoption Regulation*, include a summary of the education component
- include information regarding the personalities, interests and physical descriptions of the prospective adoptive parent(s) in order to assist workers who are providing adoption services for the child, birth parent(s), and caregivers to visualize the family and their home
- include your assessment of the prospective adoptive parent(s)' ability to provide for the physical and emotional needs of the child
- follow the *Adoption Homestudy Assessment Guidelines*
- include first names of prospective adoptive parent(s) if they are in agreement
- do not include identifying information such as last names and place names in the body of the written family assessment or at the top of the pages, and
- include the prospective adoptive parent(s)' signatures on a separate page at the end of the written family assessment so that the page can be removed before birth parent(s), caregivers or other individuals involved in choosing a prospective adoptive home read the written family assessment.

When another province or another country requests that the homestudy process be completed for prospective adoptive parent(s) living in British Columbia who have applied for a specific child in its care, refer to Practice Standard 68.

PRACTICE STANDARD 45

The Homestudy Process for Prospective Adoptive Parent(s) who Have Applied for a Specific Child, for Caregivers and for Experienced Adoptive Parent(s)

You must advise experienced adoptive parent(s) that they may reapply to adopt 12 months after their last child was placed with them for adoption.

When completing the homestudy process for prospective adoptive parent(s) who have applied to adopt a specific child, for approved caregivers or for experienced adoptive parent(s), you must meet all of the requirements of Practice Standard 44, with the following exceptions:

- the adoption education component may be modified to meet the unique preparation needs of approved caregivers and experienced adoptive parent(s)
- results of criminal record searches may be copied from the resource file, and caregivers are advised that before a Notice of Placement is signed new searches will be required if the searches on the resource file are more than 9 months old, and
- if the purpose of the written family assessment is not to aid in the selection of a family and will not be reviewed in conjunction with other written family assessments, then it may be completed in point form.

When the adoption placement of a child is proposed, you must complete the requirements of Practice Standard 50.

In addition, you must advise a caregiver(s)' resource worker well in advance of the child being placed for adoption, so that the resource worker can give the caregiver(s) 60 days' notice of termination as required in the Family Care Home Agreement.

Commentary

All prospective adoptive parent(s) require the same level of preparation and assessment, which is prescribed in section 3 of the *Adoption Regulation*. While in general the requirements for completing the homestudy process for prospective adoptive parent(s) who have applied to adopt a specific child, for approved caregivers and for experienced adoptive parent(s) are the same as for all prospective adoptive parent(s), there are some exceptions due to the unique needs of each of these three groups.

Both experienced adoptive parent(s) and approved caregivers have already completed the homestudy process, and have usually participated in training programs in order to be recommended and approved for the placement of a child. After reviewing the resource file and/or a completed homestudy, and through discussions with prospective adoptive parent(s), you may determine that it is appropriate to modify the homestudy process. This standard describes acceptable modifications to the adoption education program, to the gathering of documentation and information, and to the format of the written family assessment in order to avoid duplication or to prevent unnecessary delay in the placement.

With child-specific and foster-to-adopt applications, if the purpose of the written family assessment is not to aid in the selection of a home, and it will not be reviewed in conjunction with other written family assessments, then it may be written in point form. However, if the written family assessment is to be reviewed by workers, birth parent(s), caregivers, or Aboriginal Bands or communities in conjunction with other written family assessments, then the full written family assessment format should be followed. In these cases the written family

assessment should be on par with others to ensure that placement decisions are not influenced by the format of the written family assessment.

Practice Standard 1 requires that wherever possible an adoption worker other than the worker providing services for the prospective adoptive parent(s) must provide adoption services to the child and/or birth parent(s). In some regions of the province there may not be sufficient workers delegated under the *Adoption Act* to ensure that an adoption worker other than the worker providing adoption services for the child completes the structured family assessment component of the homestudy process with the child's caregiver(s) or with applicant(s) who have applied specifically for that child. When the suitability of the adoption plan is not in question, and in order to prevent unnecessary delays in providing permanence for the child, your regional manager responsible for adoption may approve the same adoption worker taking on both of these adoption functions. The decision to have only one worker taking on both adoption roles should balance the consequences of a delay in permanency with the need to retain an independent voice for the child.

Guidelines

When modifying the adoption education component to meet the unique preparation needs of approved caregivers and experienced adoptive parent(s):

Adoption Reg.
s. 3(2)(3)

- review with the prospective adoptive parent(s) the requirements of the educational component as described in the *Adoption Regulation* (refer to Practice Standard 44)
- determine with prospective adoptive parent(s):
 - in which of the required areas they have already had experience, training and/or preparation
 - those areas where they need additional training and/or information
- develop with prospective adoptive parent(s) a training/preparation plan in which they may:
 - be credited for related training and/or workshops they have completed which meet the educational requirements of the *Adoption Regulation*
 - participate in all or some of a ministry or comparable adoption education program
 - complete some or all of *Becoming an Adoptive Family in British Columbia - A Self-Directed Guide*
 - contact other experienced adoptive parents or caregivers and/or other community resources to discuss specific adoption issues or issues related to special service and placement needs
 - be provided with reading material or other information about specific adoption issues or special service and placement needs
- document within the written family assessment the variety of ways in which the prospective adoptive parent(s) were prepared for the adoption.

When modifying the format of the written family assessment

If the purpose of the written family assessment is not to aid in the selection of a family and it will not be reviewed in conjunction with other written family assessments, it may be modified as follows:

- depending on the comprehensiveness of the resource file's written family care assessment or of a previous adoption homestudy, historical information which has not changed may be incorporated or attached to the present written family assessment
- complete a written family assessment that briefly describes only those requirements of section 3 of the *Adoption Regulation* and those sections of the *Adoption Homestudy Assessment Guidelines* that are not discussed in the attached written family assessment

- all of the required information may be written in point form.

Steps when prospective adoptive parent(s) wish to apply to adopt a specific child who is awaiting adoption placement:

1. Consult with the child's worker to determine if there is a strong likelihood that this is the best or only possible adoptive home for the child.
2. Ensure the prospective adoptive parent(s) receive all information about the child they need to know in order to make an informed decision about whether to proceed with the adoption application:
 - be cautious that no third-party information is shared
 - maintain confidentiality as required (refer to Practice Standard 7 for instructions on confidentiality).
3. Advise the prospective adoptive parent(s) if other prospective adoptive homes are being considered in addition to their own.
4. Obtain from the prospective adoptive parent(s) a completed Application to Adopt (CF1013), and an Adoption Questionnaire (CF1048), on which the mandatory fields for registration of the child have been completed (type of application, sex of child, number of children, age, openness and child's racial heritage).
5. Open an (AH) file.
6. Send the application and questionnaire to Adoption Branch preferably at the same time the Registration of Child for Adoption (CF2135) is sent, or if it is not possible to send both at the same time, attach a note advising that the application is for a specific child, and include the name of the child.
7. Provide the educational component and structured family assessment component of the homestudy process as required in Practice Standard 44, ensuring that:
 - you gather all required documents
 - you conduct a fair and impartial assessment process which includes all required interviews.
8. Determine if the written family assessment will be reviewed with other written family assessments and whether or not an abbreviated point form study is appropriate.
9. Either complete a full written family assessment or an abbreviated point form assessment as described above.
10. Refer to Practice Standard 46 for the requirements of approval of prospective adoptive parent(s).
11. Forward the completed and approved written family assessment directly to the child's worker (it is not necessary to send a copy of a child-specific written family assessment to Adoption Branch if it is not going to be considered for other placements).
12. If the proposed adoption is believed to be in the child's best interests, ensure you are provided with all required documentation on the child and that you complete all requirements of Practice Standard 49 and 50.
13. After the approval of the comprehensive plan of care, the adoption proceeds with pre-placement visits (Practice Standard 28).

Steps when caregivers wish to apply to adopt a child who is living in their home on a foster care basis:

1. Consult with the child's worker to determine if there is a strong likelihood that this is the best or only possible adoptive home for the child.
2. Ensure the caregivers receive all information about the child they need in order to make an informed decision about whether to proceed with the adoption application:
 - be cautious that no third-party information is shared
 - maintain confidentiality as required (refer to Practice Standard 7 for instructions on confidentiality).
3. Advise the caregivers if other prospective adoptive families are being considered in addition to their own.
4. Obtain from the caregivers a completed Application to Adopt (CF1013) and an Adoption Questionnaire (CF1048), on which the mandatory fields for registration of the child have been completed (type of application, sex of child, number of children, age, openness and child's racial heritage).
5. Open an (AH) file.
6. Send the application and questionnaire to Adoption Branch preferably at the same time the Registration of Child for Adoption (CF2135) is sent, or if it is not possible to send both at the same time, attach a note advising that the application is for a specific child, and include the name of the child.
7. Request from the caregivers written consent to review their resource file (Consent to Disclosure of Information (CF0609).
8. Advise the caregivers' resource worker of the application to adopt:
 - request to review the resource file
 - advise the resource worker that the caregivers' written family care assessment will be shared with the applicant(s).
9. When reviewing the resource file, assess information gathered from the following sources:
 - any current evaluations (annual reviews)
 - the written family care assessment
 - any reports regarding protocol investigations
 - any quality of care reviews.
10. Obtain copies of the following from the resource file and place on the (AH) file:
 - results of criminal record searches
 - the completed Criminal Record Information (CF2002)
 - the foster family's written family care assessment.
11. Advise caregiver(s) that if the criminal record searches and criminal record information are more than 9 months old, then new searches will be required before the Notice of Placement is signed.
12. Where evaluations (annual reviews) on the resource file, or caregivers through self report, indicate a current medical concern, request a new Physician's Report on Adoptive Applicant (CF0605).
13. Mail new references as required in Practice Standard 44, as caregivers are now being assessed for their capacity to legally parent a child and provide a long-term commitment.

The interview process for caregivers

- Share the family care assessment completed for fostering with the caregivers and update the information in the assessment in order to meet the requirements of section 3 of the *Adoption Regulation* which includes assessing the current and future capacity to parent the child for which the prospective adoptive parent(s) are applying.
- When caregivers have a family care assessment completed more than 2 years ago and have not had regular annual reviews, then the same number of interviews are required as in Practice Standard 44.
- When caregivers have a family care assessment completed more than 2 years ago and have had regular annual reviews:
 - interview the child's worker and the caregivers' resource worker either jointly or separately to:
 - determine the nature and extent of the family's preparation to adopt the child
 - determine their assessment of the family's capacity to parent the child now and in the future.
- At your discretion, hold at least one interview with the prospective adoptive parent(s) to discuss information gathered from the other workers.
- Ensure the child to be adopted has been interviewed by his or her worker as required in Chapter 3.
- When deciding whether to interview the caregivers' children separately or in a family setting, consider the following:
 - the length of time the child to be adopted has been in the home on a foster care basis
 - information gathered from your contacts with other worker(s).
- When deciding whether to interview other children who are in foster care with the prospective adoptive parent(s), assess the following:
 - how long the other children have been in the home on a foster basis
 - the degree to which the other children have been involved with and understand the adoption plan.
- When a decision has been made to interview other children in the home on a foster care basis, ensure that the interview is done by each child's guardianship worker.

During the interviews, discuss the following with the caregivers:

- your responsibility to interview them regarding their current ability to care for the child
- the differences between fostering and adoption, including the caregivers' future need for services which are currently provided by the ministry, such as financial and legal assistance and ongoing counselling and support
- long-term stages of adoption, including, age-appropriate stages of loss and grief, attachment issues with the child, and search and reunion
- changing ongoing relationships with the birth family
- the potential reaction to the adoption by other foster children in the home who are not being adopted
- the potential impact of the adoption on any of the caregivers' other children (for example in terms of their inheritance)
- the caregivers' awareness of legal risks to the adoption such as an application to rescind the continuing custody order or an application for an access order.

After completing the interviews with caregivers:

- either complete a full written family assessment or an abbreviated point form study or addendum to the family care assessment as described above

- refer to Practice Standard 46 for the requirements for approval of prospective adoptive parent(s)
- forward the completed and approved written family assessment directly to the child's worker (it is not necessary to send a copy of a child specific/caregiver written family assessment to Adoption Branch if it is not going to be considered for other placements)
- if it is believed that the proposed adoption is in the child's best interests, ensure that you are provided with all required documentation on the child including the comprehensive plan of care
- complete all requirements of Practice Standard 49, including obtaining current criminal record searches
- complete all requirements of Practice Standard 50 and, if the comprehensive plan of care is approved, no pre-placement visits with caregivers will occur and the adoption proceeds with the acceptance of the Notice of Placement which begins the residency requirement (refer to Practice Standard 57).

Steps when experienced adoptive parent(s) apply to adopt:

1. Advise prospective adoptive parent(s) they may reapply to adopt 12 months after their last placement.
2. Except for modifying the adoption education program, and unless they are applying for a specific child, their application and structured family assessment proceeds like any new application, and you must meet all of the requirements of Practice Standard 44.
3. Ensure that references know the applicant(s) well and are able to comment on:
 - the prospective adoptive parent(s)' parenting ability and adjustment to parenthood
 - the child's adjustment to the family.
4. The format of a second written family assessment is as complete and as thorough as the initial one (unless it is requested for a specific child or is for a caregiver and will not to be viewed in conjunction with other written family assessments).
5. Request from the prospective adoptive parent(s) written consent to obtain a copy of their former written family assessment, using a Consent to Disclosure of Information (CF0609).
6. Request from Adoption Branch a copy of the former written family assessment.
7. Include factual, historical data from the former written family assessment as a foundation for the new written family assessment.
8. Discuss the child's progress in the home, his or her attachment and relationships within the adoptive family, and how the prospective adoptive parent(s) have adjusted to their parenting role.
9. Allow for sufficient time for you and the prospective adoptive parent(s) to determine their readiness to adopt a child with the special service and/or placement needs for which they have applied.
10. Refer to Practice Standard 46 for direction in approving the prospective adoptive parent(s).
11. In making a recommendation, consider the impact of placement on the children already in the home.

If you are asked by Adoption Branch to request that experienced adoptive parent(s) in your community consider adopting their child's sibling:

- refer to Practice Standard 21 for factors to consider when assessing the adoptive parent(s) and steps to follow
- ensure prospective adoptive parent(s) receive all information about the child they need in order to make an informed decision about adopting the child:

- be cautious that no third-party information is shared
- maintain confidentiality as required (refer to Practice Standard 7 for instructions on confidentiality), and
- proceed with the educational and structured family assessment components of the homestudy process as required for experienced adoptive parents applying to adopt a specific child.

PRACTICE STANDARD 46

Approval of Prospective Adoptive Parent(s)

When deciding whether to recommend approval of prospective adoptive parent(s) for adoption, you must evaluate whether, as a result of the education component of the homestudy process, they are adequately knowledgeable about adoption and about parenting a child with the needs for which they have applied.

In addition, you must:

- based on the structured family assessment, consider:
 - the strengths, capacity and limitations of the prospective adoptive family
 - the prospective adoptive family's capacity to understand, accept and meet the needs of a child, both at placement and as the child grows and develops
- include in your decision-making a thorough review of all of the information gathered during the structured family assessment, including, but not limited to:
 - the results of all prior contact checks
 - the results of all criminal record searches
 - medical information obtained from the Physician's Reports on Adoptive Applicants
 - information obtained from a minimum of four references
 - the prospective adoptive parent(s)' views about ministry standards regarding behaviour management practices
- upon reaching a decision obtain your supervisor's/team leader's approval, and
- unless the homestudy process has been requested for a specific child, register the written family assessment with Adoption Branch.

Commentary

Adoption Reg.
s. 3(1)(o)
Adoption Act
s. 6(2)

The information you are required to consider during the structured family assessment component of the homestudy process is described in section 3 of the *Adoption Regulation*. The *Regulation* requires that a recommendation be made as to the prospective adoptive parent(s)' ability to parent a child by adoption. In addition, the *Adoption Act* requires that prospective adoptive parent(s) be approved on the basis of a homestudy (education component and structured family assessment) before a child can be placed for adoption. It is your responsibility to obtain information that will help determine that a child placed with prospective adoptive parent(s) will be cared for and protected.

After providing prospective adoptive parent(s) with the education component, gathering and assessing the required documentation, and conducting the required interviews, the decision whether to approve prospective adoptive parent(s) for placement of a child is made by you and your supervisor/team leader. This decision is based on an assessment of all information obtained during the homestudy process. Before making your recommendation in the written family assessment, it is your responsibility to determine whether the prospective adoptive parent(s) are knowledgeable about adoption and of the needs of children awaiting placement, are functioning in a healthy manner, and understand and are capable, now and in the future, of parenting a child by adoption with the special service/placement needs for which they have applied.

Guidelines

If you decide to discontinue the homestudy process or not to recommend prospective adoptive parent(s):

If, as you become more knowledgeable about the prospective adoptive parent(s)' capacity for adoptive parenthood through the structured family assessment or based on the results of any of the documentation you gather, you decide the homestudy process should be discontinued before a recommendation is made, or you decide not to recommend the family for an adoption placement:

- consult with your supervisor/team leader
- if you and your supervisor/team leader believe your decision may be a contentious one for the applicant(s), consult with your regional manager responsible for adoption
- discuss the reasons with the prospective adoptive parent(s) in person
 - try to help them understand the reasons for the decision
 - advise them whether there are steps they can take, such as family counselling, or gaining knowledge and experience about the children awaiting placement, which would allow them to be reconsidered for placement
- confirm in a letter to the prospective adoptive parent(s) that they will not be considered for the placement of a child, and include:
 - the reasons for not proceeding with the homestudy process or for non-approval
 - a description of the ministry complaints process (see Practice Standard 5)
- unless the prospective adoptive parent(s) are appealing your decision, close the (AH) file, and
- notify Adoption Branch in writing when you have closed the (AH) file.

Steps in assessing the results of a prior contact check:

1. Review with the subject of the prior contact check any information that indicates there could be concerns for the health, safety and well-being of a child placed with the prospective adoptive parent(s), based on:
 - the nature of the problem identified in the file
 - whether the problems identified were resolved and, if so, how they were resolved
 - how long it has been since the problem was identified
 - the current circumstances of the prospective adoptive parent(s)
 - the likelihood of the identified problems recurring.
2. If the prospective adoptive parent(s) have an open FS file or RE (resource) file that indicates protection concerns, advise them that you will not proceed with the homestudy process while there is an outstanding protection concern.
3. When there is an open FS file where there are no protection concerns, or a closed FS or RE file with past protection concerns, discuss all issues raised with the prospective adoptive parent(s) (as in #1) with your supervisor/team leader.
4. When another member of the household has an open or closed (FS) or (RE) file which indicates protection concerns, do not consider the prospective adoptive parent(s) further until:
 - the individual concerned no longer lives in the household, or
 - your supervisor/team leader is satisfied there is no longer a protection concern.

When assessing the Criminal Record Information (CF2002) of either of the prospective adoptive parent(s) or any adult living in their home:

- the CF2002 requests voluntary disclosure related to the following offences:
 - theft
 - fraud
 - violence
 - sexual conduct
 - impaired driving, or
 - any other crime which may relate to the person's ability and suitability to work with children, and
- if a record that would lead to rejection is disclosed, do not continue the assessment (see "Assessing the results of the criminal record search," below).

Steps in acquiring full criminal record information:

1. If there is a record on the local law enforcement agency index:
 - request that the person with the record ask the local law enforcement agency to provide details in writing
 - record the details of the record on the (AH) file
2. If the search indicates that the applicant may have a record on the CPIC repository in Ottawa, confirm the record:
 - in some districts, the law enforcement agencies will provide you with a printout of the CPIC record certified by both the law enforcement officer and the applicant, as an accurate account of the applicant's criminal record
 - if the applicant disputes the information contained in the printout, or if certified printouts of the CPIC information are not available, obtain verification through fingerprinting at the law enforcement agency and CPIC will return the completed form to your supervisor/team leader:
 - if a record does not exist, advise the applicant and document this on the (AH) file, or
 - if a record exists, record on the file the details provided by CPIC and return the documentation and attached fingerprints to the applicant without retaining a copy.

Assessing the results of a criminal record search:

- discuss the nature of the criminal record with your supervisor/team leader
- review the criminal record with the subject of the criminal record search
- assess with your supervisor/team leader the prospective adoptive parent(s)' ability to provide safe and protective care of the child based on the following:
 - number and type of charges, convictions and diversions
 - time elapsed between the criminal activity and present
 - relevance of criminal activity to the prospective adoptive parent(s)' ability to protect, nurture and care for the child
 - age and circumstances of the individual at the time of the offence
 - conduct and circumstances of the individual since the offence
 - likelihood of the individual repeating any offences
 - developmental age and circumstances of the child considered for placement with the individual
- if you and your supervisor/team leader agree that there are no safety risks to a child, your supervisor/team leader forwards a recommendation to your regional manager responsible for adoption to approve the criminal record:

- your manager will advise you if the applicant(s) may still be considered for adoption
- your manager will notify the applicant(s), in writing, if they will not be considered and will inform them of their right to appeal the decision based on the ministry complaints process (see Practice Standard 5).

When assessing the Physician's Report on Adoptive Applicant (CF0605)

If the Physician's Report on Adoptive Applicant (CF0605) states that one or both of the prospective adoptive parents have an illness or condition relevant to their ability to meet the needs of a child:

- with the consent of the prospective adoptive parent, clarify with his or her physician the implications of the illness or condition on parenting
- consult with a medical specialist or contact Adoption Branch to obtain a consultation with a specialist from the Ministry of Health
- decide if it is necessary to request a specialist's report on the prospective adoptive parent
 - where you have determined that it is necessary, request that the prospective adoptive parent provide a specialist's report which provides an opinion on their ability to parent the child
 - although the medical practitioner's opinion is requested, it is not his or her decision whether the prospective adoptive parent(s) should be approved for placement of a child, and
- assess the medical information with your supervisor/team leader in relation to all of the other information gathered.

When reviewing the applicant(s)' references:

- more than four can be requested if you believe they are necessary
- when evaluating the information provided keep in mind:
 - how well the references know the prospective adoptive parent(s)
 - their relationship with the prospective adoptive parent(s)
 - whether they cite examples to support their assessment of the prospective adoptive parent(s)
- when following up on concerns raised in a reference:
 - interview the person who provided the reference, either by telephone or in person
 - advise the person that the concerns raised in the reference must be discussed with the prospective adoptive parent(s) and that every effort will be made to do so without revealing the person's identity; however because of the personal nature of the information that must be discussed, the prospective adoptive parent(s) may be able to indirectly determine the person's identity
 - if you have any concerns about discussing the information with the prospective adoptive parent(s), discuss them with your supervisor/team leader
 - if the prospective adoptive parent(s) ask you to confirm the identity of a specific reference, advise them that you cannot confirm or deny the person's identity.

When reviewing the prospective adoptive parent(s)' views about ministry standards regarding behaviour management practices:

- discuss with prospective adoptive parent(s) ministry standards concerning behaviour management, which expressly forbid certain practices, one of which is physical discipline (refer to Guardianship Practice Standard 17 and the handout for prospective adoptive parents)
- thoroughly discuss and document in the written family assessment their values and beliefs towards parenting and child management

- keep in mind that, whether the family is being considered for placement by birth parent(s) or by a worker who is assessing the potential for placement of a child in the continuing custody of a director under the *CFCSA*, a child placed through the ministry has the same rights as a child in care
- if during the course of the education or structured family assessment components of the homestudy process it becomes apparent that prospective adoptive parent(s) cannot accept ministry standards regarding behavioral management practices, inform them that they will not be approved for placement and discontinue the assessment.

On completion of the written family assessment:

- give prospective adoptive parent(s) the opportunity to read and discuss the contents of the written family assessment, and provide them with the opportunity:
 - to ensure the information is correct
 - to indicate that the assessment is an accurate reflection of them, and
 - to be aware of the information which will be shared with birth parent(s), caregivers, other workers providing adoption services and professionals who are considering them for placement
- review with prospective adoptive parent(s) the consent statement at the conclusion of the written family assessment, and if they understand who might be reading it and are in agreement with its contents, have them sign the written family assessment
- if prospective adoptive parent(s) disagree, discuss the issues with a view to reaching an acceptable resolution, and if a resolution cannot be reached, advise them of the ministry's complaint process (refer to Practice Standard 5)
- sign the written family assessment and obtain your supervisor's/team leader's approval and signature
- give the prospective adoptive parent(s) a copy of the written family assessment and keep a copy on the (AH) file
- advise prospective adoptive parent(s):
 - that approval is not a commitment that an adoption placement will occur
 - that it is their responsibility to keep their written family assessment current
 - that their written family assessment will not be circulated or considered for an adoption placement if annual updates are not completed and returned, and
 - that the following will be required:
 - a criminal record search no more than 9 months old at the time of an adoption proposal
 - an update of their written family assessment if their current one is more than 3 months old at the time of a proposal, and
 - a prior contact check, both at the time of an adoption proposal and at the time of placement.

To register the written family assessment, forward the following information to Adoption Branch:

- an updated copy of the Application to Adopt (CF1013), and
- two copies of the written family assessment.

The Physician's Report on Adoptive Applicant (CF0605), references and criminal record searches and information are not sent to Adoption Branch, but are kept on the (AH) file.

Once the approved written family assessment is registered with Adoption Branch:

- the registration is confirmed on the Adoption Program System, Adoption Applicants Report (P745-01), provided monthly to district offices
- on completion of the registration, inform prospective adoptive parent(s) that they will be actively considered for placement based on the child's needs and selection by the birth parent(s) and/or worker providing adoption services.

When the homestudy process has been requested for a specific child:

- forward the completed and approved written family assessment directly to the child's worker
- it is not necessary to send a copy of a child-specific/caregiver written family assessment to Adoption Branch if it is not going to be considered for other placements.

PRACTICE STANDARD 47

Keeping the Written Family Assessment Current

After prospective adoptive parent(s) have been approved for adoption and until an adoption placement occurs, you must request updated information from them:

- annually
- when there has been a change in their circumstances, and
- when they change their request for the age or special needs of a child or in the number of children.

The updated information must be attached to or incorporated into the original written family assessment.

In addition, you must:

- reassess prospective adoptive parent(s) and revise their written family assessment recommendation when there is a change in their circumstances or a change in their request for the age or special needs of a child or in the number of children
- conduct a prior contact check and request new criminal record searches from prospective adoptive parent(s) every two years as part of the yearly update
- attach any yearly updates to the written family assessment
- where there are significant changes in the family's circumstances or when two years has passed since the family's approval, integrate the update into the written family assessment, and
- obtain your supervisor's signature on any updates that require a reassessment or new recommendation or that are integrated into the written family assessment.

In order to keep all information on prospective adoptive parent(s) current, you must begin a new homestudy process:

- when a new child becomes part of the prospective adoptive family either through birth or through adoption, and/or
- when a written family assessment has been in abeyance and/or closed for a total of 2 years.

Commentary

Adoption Reg.
s. 3(5)(6)

The selection of prospective adoptive parent(s) for placement of a child should be made on the basis of information that is as accurate and current as possible. It is the responsibility of approved prospective adoptive parent(s) to provide updated information to the Director of Adoption in order that their written family assessment is kept current. Updated information is required on an annual basis until an adoption placement occurs, and must detail any changes in the prospective adoptive parent(s)' circumstances. In addition, a prior contact check and an updated criminal record search are required every 2 years. It is your responsibility to request the update and attach it to, or incorporate it into, the written family assessment.

Adoption Reg.
s. 3(7)

In addition to describing the requirements for keeping the written family assessment current, this standard provides procedural information on putting a file on abeyance and reinstating closed files.

Guidelines

After prospective adoptive parent(s) have been approved for adoption, if no adoption placement has occurred

Each year:

- mail the Annual Adoption Homestudy Update Report (CF2682) to prospective adoptive parent(s) to complete:
 - 11 months after the written family assessment was completed by the ministry, or 11 months after completion of the last update
 - if the original written family assessment was not completed by the ministry, 11 months after the date on which the written family assessment was last updated
- advise prospective adoptive parent(s) that it is their responsibility to keep their written family assessment current and that it will not be circulated or considered for an adoption placement if the update is not completed and returned
- if prospective adoptive parent(s) are applying for a child with special service or placement needs there is no fee for the filing of the written family assessment update
- if prospective adoptive parent(s) are applying for an infant with no special service or placement needs, obtain from them the fee for the annual update (see Practice Standard 11)
- send two copies of the completed Annual Homestudy Update (CF2682) to Adoption Branch to be attached to the original written family assessment, and
- give a copy of the update to the prospective adoptive parent(s) and place a copy on the (AH) file.

If, while conducting a search for homes, Adoption Branch finds a written family assessment that has not been updated:

- Adoption Branch will advise you that the written family assessment will be placed in abeyance until the update is received
- if an update is not received within 6 months, the file will be returned to the district office.

When prospective adoptive parent(s) report significant changes in their circumstances:

- do not consider the prospective adoptive parent(s) for placement until significant changes in their circumstances have been fully assessed
- request that Adoption Branch place the written family assessment in abeyance (see below) until the circumstances have been assessed
- review the written family assessment and recommendation
- collect and assess additional information
- based on the information you receive, determine if new references should be requested
- assess how family members have adjusted to the changed circumstances and how the changes might affect the prospective adoptive parent(s)' ability to parent a child by adoption
- document the changes and your assessment in the relevant parts of the written family assessment
- revise the written family assessment recommendation
- if there is a change in the prospective adoptive parent(s)' relationship (if, for example, they have separated), request that they complete a new Application to Adopt (CF1013) and forward it to Adoption Branch with the update

- obtain a new Physician's Report of Adoptive Applicant (CF0605) when there have been significant changes to the prospective adoptive parent(s)' health based on the information from the update form or information you have received from other sources
- sign and date the update, and obtain your supervisor's/team leader's signature
- send two copies of the update to Adoption Branch where they will be attached to the original written family assessment, and
- give a copy of the update to the prospective adoptive parent(s) and place a copy on the (AH) file.

Every two years:

- a new Criminal Record Information (CF2002), criminal record search and prior contact check are required (a search by the Criminal Records Review Agency is not required), and if concerns arise, refer to Practice Standard 46 for steps in assessing the information you receive
- the updated information is to be incorporated into the original written family assessment to minimize the number of attachments
- send the revised written family assessment, and a copy of an updated Application to Adopt (CF1013) to Adoption Branch, and
- write "updated" and the date of the update on each of the documents submitted.

Requesting that a written family assessment be put in abeyance

You may request that the prospective adoptive parent(s)' written family assessment be put in abeyance if they are temporarily unavailable for adoption:

- when the situation is being reviewed and there is likely to be a resolution

Examples of when it is appropriate to put a written family assessment in abeyance include:

- when a significant problem arises that would affect the prospective adoptive parent(s)' ability to parent a child, such as a health problem, and an assessment has not yet been completed
- when a pregnancy occurs and the outcome is uncertain
- when notification is received from Citizenship and Immigration that the prospective adoptive parent(s) have filed a sponsorship application indicating they intend to adopt an identified child, or
- when the prospective adoptive parent(s) are temporarily unavailable for the proposal of a child.

When a written family assessment is to be put in abeyance, notify Adoption Branch as soon as possible.

When a written family assessment is in abeyance

- prospective adoptive parent(s) whose written family assessment is in abeyance will not be considered for placement of a child
- monitor prospective adoptive parent(s) who have abeyance status and advise Adoption Branch whether their written family assessment is to be reinstated or closed
- written family assessments in abeyance for more than 6 months will be returned to the district office by Adoption Branch
- written family assessments that have been returned to the district office and that have not been reinstated, or for which a required update has not been received, will be automatically closed by Adoption Branch 12 months following their return to the district office.

When prospective adoptive parent(s) with a written family assessment in abeyance wish to have it reinstated:

- request that prospective adoptive parent(s) update their written family assessment by completing the Annual Adoption Homestudy Update Report (CF2682)
- where prospective adoptive parent(s) report significant changes in their circumstances:
 - reassess the prospective adoptive parent(s) following the directions above
 - document the findings in the written family assessment
 - change the recommendation to reflect your new assessment
- send to Adoption Branch:
 - an updated application if appropriate
 - the Annual Homestudy Update (CF2682) and/or updated written family assessment, and
 - a written request to reactivate the application or written family assessment, including the reason for re-activating.

Prospective adoptive parent(s) whose written family assessment was closed, may have it reinstated when:

- a pregnancy has ended in miscarriage, or
- your supervisor's/team leader's review determines that reinstatement is warranted.

When reinstating a written family assessment that was closed:

- request that prospective adoptive parent(s) update their Application to Adopt (CF1013)
- request that prospective adoptive parent(s) update their written family assessment by completing the Annual Adoption Homestudy Update Report (CF2682)
- where there are significant changes to the prospective adoptive parent(s)' circumstances, reassess the prospective adoptive parent(s) (refer to Practice Standard 44)
- forward the updated Application to Adopt (CF1013), Annual Homestudy Update (CF2682) and written family assessment to Adoption Branch.

A second written family assessment is required:

- when a written family assessment has been in abeyance and/or closed for a total of two years
- when prospective adoptive parent(s) have received an adoption placement following completion of their written family assessment (for direction in acceptable changes in the homestudy process for experienced adoptive parent(s), refer to Practice Standard 45)
- when prospective adoptive parent(s) have given birth to a child following completion of their written family assessment:
 - the homestudy process proceeds as for any other
 - factual, historical data from the former written family assessment may be used as a foundation for the new homestudy
 - request written consent from the prospective adoptive parent(s) using a Consent to Disclosure of Information (CF0609) to obtain a copy of their former homestudy from Adoption Branch
 - the child's progress in the home is of key importance.

PRACTICE STANDARD 48

Accepting and Registering Non-ministry Written Family Assessments and Completing Prior Contact Checks for B.C. Licensed Adoption Agencies

When accepting and registering written family assessment completed by non-ministry staff, you must:

- provide adoption information to the applicant as required in Practice Standard 43
- determine if the prospective adoptive parent(s) are eligible to adopt in B.C. (refer to Practice Standard 43)
- review the written family assessment to ensure that it meets all requirements as described in Practice Standards 44 and 45 and section 3 of the *Adoption Regulation* unless the assessment was approved by a B.C. licensed adoption agency for a child with no special service needs
- complete any education component and assessment component requirements that are missing from the homestudy process, and
- unless the homestudy process was requested for a specific child, register the written family assessment with Adoption Branch.

Upon request from a British Columbia licensed adoption agency and with the written consent of the prospective adoptive parent(s), you must complete a prior contact check of prospective adoptive parent(s).

Commentary

There are two types of written family assessment completed by non-ministry staff that may be accepted by MCF. These are those completed by:

- British Columbia licensed adoption agencies
- child welfare authorities in other provinces or territories.

The *Adoption Act* and *Adoption Regulation* set out basic requirements for the homestudy process in British Columbia. However, each licensed B.C. adoption agency may build on the basic legal requirements in developing its own homestudy format. As a result, ministry and licensed B.C. adoption agency written family assessments may have areas of difference. Before a non-ministry written family assessment completed in B.C. is accepted for use by MCF, for children with special service needs, it must be reviewed to determine whether it meets ministry standards.

Adoption Act
s. 5

When a written family assessment has been completed in another province or territory, before prospective adoptive parent(s) can be considered for placement of a child through the ministry, each prospective adoptive parent must be a resident of British Columbia. In addition, it is your responsibility to review the prospective adoptive parent(s)' written family assessment to ensure that it meets the requirements of section 3 of the *Adoption Regulation*

When reviewing a written family assessment completed in British Columbia or in another province or territory, it is essential that you have full access to the documents that were gathered as part of the structured family assessment process. The interprovincial protocol provides the authority for you to request documents from the originating province and for the originating province to send documents related to the application and/or approval of prospective adoptive parent(s). The written consent of prospective adoptive parent(s) is required, and a full listing of the documents that may be sent is included in the interprovincial protocol.

If the written family assessment was completed in British Columbia, the date it was completed is considered the date of application to the ministry.

If the written family assessment was completed in another province, the date of application in that province is respected. If the prospective adoptive parent(s) have applied for a child with no special service or placement needs, this date determines when they will be considered for placement. If the prospective adoptive parent(s) have either been assessed for a child with special service needs (as defined in the *Adoption Regulation*) or wish to be reassessed for a child with these needs, their application may be activated immediately.

Adoption Reg.
s. 26(c)(i)

The Director of Adoption may disclose any information to an adoption agency if the disclosure is necessary to enable the agency to perform the duties or exercise the powers and functions given to the agency by or under the *Adoption Act*. This provision enables you to provide the results of a prior contact check to a British Columbia licensed adoption agency.

Adoption Act
s. 72

Guidelines

Before accepting any non-ministry written family assessment:

- provide adoption information to prospective adoptive parent(s) as appropriate and required in Practice Standard 43
- determine if the prospective adoptive parent(s) are eligible to adopt in B.C. (refer to Practice Standard 43)
- determine if the prospective adoptive parent(s) are applying for a child with special service or placement needs, or a child with no special service or placement needs
- if prospective adoptive parent(s) are applying for a child with no special service needs:
 - advise them that licensed B.C. adoption agencies are able to provide more timely service for applications for children with no special needs, non-ministry intercountry or interprovincial adoption, and direct placements
 - refer them to a licensed British Columbia adoption agency (see address list in the Appendix), and/or
 - advise them that their homestudy (education and family assessment components) will be waitlisted along with all ministry applicants for children with no special service or placement needs (see below)
 - do not review their written family assessment until requested by Adoption Branch unless it was completed by a B.C. licensed adoption agency for a child with no special service needs. (Note: A written family assessment approved by a B.C. licensed adoption agency for a child with no special service needs meets the requirements of section 3 of the *Adoption Regulation*)

When prospective adoptive parent(s) have either been approved for a child with special service needs or wish to be reassessed and approved for a child with these needs:

Request from the prospective adoptive parent(s):

- a copy of their written family assessment
- copies of references, results of criminal record searches, medical reports and annual updates
 - if prospective adoptive parent(s) do not have copies of the above, obtain their signature(s) on a the Consent to Disclosure of Information (CF0609) to forward to the licensed B.C. adoption agency or child welfare authority in another province or territory:
 - send the consent with a written request for the documents to the licensed B.C. adoption agency or child welfare authority

- when requesting documents from a child welfare authority in another province or territory, include a request for a copy of the prospective adoptive parent(s)' interprovincial adoption application
- according to the interprovincial protocol, the child welfare authority will send the requested documents within 30 days
- provide prospective adoptive parent(s) with an Application to Adopt (CF1013), and an Adoption Questionnaire (CF1048) to complete
 - when the Application to Adopt (CF1013) and Adoption Questionnaire (CF1048) are returned, open an (AH) file, and
 - when you receive the written family assessment, retain the original on the (AH) file.

When reviewing a non-ministry written family assessment

When you receive a non-ministry written family assessment, ensure it meets the requirements of section 3 of the *Adoption Regulation* and of Practice Standards 44 and 46 for approval.

- Meet with the prospective adoptive parent(s) and review the written family assessment to determine whether:
 - they have received the required preparation and adoption education (refer to Practice Standard 44)
 - all documents have been gathered and the family's capacity to adopt a child with the special service needs for which they have applied has been assessed as required in Practice Standard 45
 - the written family assessment includes all of the information required in section 3(1) of the *Adoption Regulation* and outlined in the *Adoption Homestudy Assessment Guidelines*
 - the standards for approval have met the requirements of Practice Standard 46
 - the written family assessment has been updated annually as required in Practice Standard 47.
- Ensure that the criminal record searches are no more than two years old.
- Advise prospective adoptive parent(s) that new criminal record searches will be required at the time of an adoption proposal if their current searches are older than 9 months.
- If the education and structured family assessment components meet the above requirements, obtain a completed Annual Homestudy Update (CF2682) from the prospective adoptive parent(s).

When required information is missing from the written family assessment:

- meet with prospective adoptive parent(s) to complete any assessment and preparation requirements missing from the homestudy process
- where annual updates have not been provided and the information in the written family assessment does not appear to be current, consult with your supervisor/team leader as to whether new references or medical information should be gathered
- include the required information in an update attached to the written family assessment or, if prospective adoptive parent(s) have a written family assessment completed in another province, because of different provincial requirements, a new homestudy (education and structured family assessment) may be required
- sign and obtain signatures of the prospective adoptive parent(s) on the update or revised written family assessment
- obtain your supervisor's/team leader's approval of the update or revised written family assessment
- attach any update to the original written family assessment, and

- provide the prospective adoptive parent(s) with a copy of the update or revised written family assessment.

Unless the homestudy process has been requested for a specific child, register the written family assessment by forwarding the following information to Adoption Branch:

- an updated copy of the Application to Adopt (CF1013)
- two copies of the written family assessment and the Annual Homestudy Update (CF2682) or attached update, if applicable, and
- an Adoption Questionnaire (CF1048).

When the homestudy process has been requested for a specific child:

- forward the updated written family assessment directly to the child's worker
- it is not necessary to send a copy of a child-specific written family assessment to Adoption Branch if the family is not being considered for other placements.

When prospective adoptive parent(s) ask to be waitlisted for a child with no special service needs

When prospective adoptive parent(s) are applying for a child with no special service needs, and request that they be waitlisted for the homestudy process with applicants for children with no special service needs:

- Adoption Branch will immediately call for study any applications with a date of registration before the date of the last provincial call to study for applicants for children with no special service needs; otherwise wait for Adoption Branch to request that the homestudy process begin before reviewing the completed written family assessment (Note: If the written family assessment is approved by a B.C. licensed adoption agency for a child with no special service needs, a review is not required.)
- inform prospective adoptive parent(s):
 - about the fee schedule (see Practice Standard 11)
 - that the date their written family assessment was approved in British Columbia, or the date of their application in another province, is their date of registration with the ministry (unless a child was born to them or placed with them after the written family assessment was approved, in which case the date the child was born or placed is the date that is registered with Adoption Branch)
- request from the prospective adoptive parent(s):
 - a copy of their written family assessment
 - copies of references, criminal record information and criminal record searches, medical reports and annual updates
- where prospective adoptive parent(s) do not have copies of the above, obtain the signature of prospective adoptive parent(s) on a Consent to Disclosure of Information (CF0609) to forward to the licensed B.C. adoption agency, or child welfare authority in another province or territory:
 - send the consent with a written request for the documents to the licensed B.C. adoption agency or child welfare authority
 - when requesting documents from a child welfare authority in another province or territory, include a request for a copy of the prospective adoptive parent(s)' interprovincial adoption application
 - according to the Interprovincial *Protocol* the child welfare authority will send the requested documents within 30 days
- when all documents are received, register the application by sending to Adoption Branch:

- the completed Application to Adopt (CF1013) and a copy of the extra-provincial adoption application if applicable
- the completed Adoption Questionnaire (CF1048)
- a memo which states:
 - that the prospective adoptive parent(s) have a written family assessment completed by non-ministry staff
 - if the written family assessment was completed in another province, the date of application in that province
 - if the written family assessment was completed in British Columbia, the date the study was completed
- provide prospective adoptive parent(s) with written confirmation of the date their application is registered, and
- until Adoption Branch requests that the homestudy process begins, ensure that the written family assessment is updated annually as required in Practice Standard 47.

When Adoption Branch requests the homestudy (education and structured family assessment components) for prospective adoptive families that have been on the waitlist:

- meet with the prospective adoptive parent(s) to review the written family assessment and ensure it meets the requirements of section 3 of the *Adoption Regulation* Practice Standard 44 and Practice Standard 46 for approval as directed above unless it was completed by a B.C. licensed adoption agency for a child with no special service needs (Note: A written family assessment approved by a B.C. licensed adoption agency for a child with no special service needs meets the requirements of section 3 of the *Adoption Regulation*)
- collect any applicable fees:
 - if prospective adoptive parent(s) have changed their request and are applying for a child with special service or placement needs, or a child in the continuing custody of a director under the *CFCSA* no fees are charged
 - if prospective adoptive parent(s) have a written family assessment completed by a B.C. licensed adoption agency and are applying for a child with no special service or placement needs, the Annual Homestudy Update fee is charged
 - if prospective adoptive parent(s) have a written family assessment completed in another province and, because of different provincial requirements, a new study is required, the fee for a second or subsequent homestudy as per the fee schedule is charged
- refer to Practice Standard 10 and *Administrative Procedures and Guidelines for Adoption Services* for the Adoption Fees Schedule
- complete any assessment and preparation requirements that are missing from the homestudy, and
- register the updated written family assessment with Adoption Branch as directed above.

When a prior contact check is requested by a British Columbia licensed adoption agency:

- obtain from the prospective adoptive parent(s):
 - a signed consent for release of confidential information
 - proof of identity such as a driver's license
 - a Results of Prior Contact Check (refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for a copy of the required form)

- record on the Results of Prior Contact Check only information related to concerns regarding the suitability of the applicant(s) to adopt, including any information that indicates:
 - a child in the care of the prospective adoptive parent(s) or any member of their household has been found to be in need of protection
 - limitations in the prospective adoptive parent(s) ability to protect, nurture and care for a child
- where there is no concern, do not release any other details such as unfounded protection concerns
- when the prior contact check indicates any substantial concerns as above:
 - consult with your supervisor/team leader before releasing the information
 - obtain the signature of your supervisor/team leader on the form
 - forward a copy of the Results of a Prior Contact Check to the prospective adoptive parent(s) or to the licensed agency as requested on the release of confidential information, and
 - keep a copy of the completed Results of a Prior Contact Check and the prospective adoptive parent(s)' consent for release of information in miscellaneous filing, if no (AH) file exists.

PRACTICE STANDARD 49

Preliminary Discussions with Prospective Adoptive Parent(s) about a Specific Child

During preliminary discussions about a possible adoption placement of a specific child, and prior to the proposal, you must:

- obtain information about the child from the child's worker
- discuss the child's information with the prospective adoptive parent(s) to determine their interest
- ensure that the prospective adoptive parent(s)' written family assessment is current by:
 - requesting that they complete the Annual Adoption Homestudy Update Report if the written family assessment or the last update was completed more than 3 months ago
 - conducting a prior contact check
 - obtaining from them the results of a new criminal record search if the most recent search is more than 9 months old
- ensure that the prospective adoptive parent(s) have been approved for a child with the same types of special needs as the child who will be proposed.

Commentary

During preliminary discussions about the possible adoption placement of a specific child with prospective adoptive parent(s), your tasks are twofold. Your first task is to obtain information about the child and the child's needs and to share this information in a non-identifying manner with the prospective adoptive parent(s) in order to determine their interest in the child. Secondly, it is your responsibility to ensure they are aware of and consider the child's needs and their own strengths and limitations when assessing whether they are ready for the proposal and possible placement of a specific child.

Adoption Reg.
s. 3(5)(6)

Part of ensuring that prospective adoptive parent(s) are ready for the child is obtaining current information for the written family assessment. The *Adoption Regulation* requires that the written family assessment be updated annually. A child cannot be proposed to a family until their family assessment is made current with an update, current criminal record search and prior contact check. In addition, prospective adoptive parent(s) are only ready for a specific child if they have been approved and recommended for a child with the same types of special needs as the child who will be proposed. The written family assessment must include a recommendation that the prospective adoptive parent(s) have the capability to parent a child by adoption.

Adoption Reg.
s. 3(1)(o)

Guidelines

During preliminary discussions with the child's worker, obtain information about:

- the child's special needs
- any openness requests
- when the placement is a voluntary one under the *Adoption Act* whether consents have been signed by the birth parent(s)
- any legal risks to the placement that the prospective adoptive parent(s) should consider

- whether other prospective adoptive parent(s) are also being considered as a possible placement for the child, and
- if there are any reasons the placement may be delayed.

When discussing the child's information with the prospective adoptive parent(s) on a preliminary basis to determine their interest:

- share with the prospective adoptive parent(s) the information you have received from the child's worker, ensuring that no identifying information is disclosed
- inform prospective adoptive parent(s) that an adoption proposal is not a commitment for an adoption placement.

In addition, if there is an access order:

- obtain the following information from the child's worker, and share it with the prospective adoptive parent(s):
 - the reasons access has been determined to be in the child's best interests
 - the terms and conditions of the order or agreement
 - the amount of access that the birth family has historically exercised
 - the child's views about continuing access, and
 - for an Aboriginal child, the views of the child's Band or Aboriginal community
- ensure prospective adoptive parent(s) have considered:
 - the impact of the access order on new relationships
 - how they will handle disagreements and conflicts, and
 - how they will agree on both the type and frequency of contact
- inform the prospective adoptive parent(s) of the following:
 - at the time of the application to the court for the adoption order, if the child's worker has determined that access is in the child's best interests, a recommendation will be made to the court, which may order that the access be continued or may vary the access order or provision
 - an access order continued or varied under the *Adoption Act* considered to be a new order made under that act
 - any access order under the *Adoption Act* will be subject to variation under the *Act* rather than under the originating statute (*Family Relations Act* or *CFCSA*)
 - if the child was formerly in the continuing custody of a director under the *CFCSA*, the ministry will not be involved in any future action, and
 - prospective adoptive parent(s) will be responsible to initiate or respond to any application to vary or terminate the access order in the Supreme Court.

In addition, if there is a plan or a request for openness:

- inform prospective adoptive parent(s) about any plan for openness that has been determined to be in the child's best interests, and/or any requests by birth family members, and ensure that prospective adoptive parent(s) have the opportunity to consider whether they are capable of honouring them.
- when birth parent(s), relatives or others have requested openness with a child in the continuing custody of a director under the *CFCSA* the decision whether to place the child with the prospective adoptive parent(s) is not dependent on the willingness of prospective adoptive parent(s) to accept birth family members' requests. The decision to place the child with prospective adoptive parent(s) is made by the child's worker and his or her supervisor/team leader and is based on the best interests of the child.
- when birth parent(s) are planning adoption voluntarily under *the Adoption Act*, their selection of prospective adoptive parent(s) may be dependent on the prospective adoptive parent(s)' willingness to accept their requests for openness:

- ensure that prospective adoptive parent(s) are in agreement with these requests during preliminary discussions of the adoption placement
- if prospective adoptive parent(s) are unwilling to accept the openness requests of birth parent(s), the decision to place the child with the prospective adoptive parent(s) remains with the birth parent(s)
- if there are major differences, a meeting between the individuals should not be arranged, and a new match should be sought
- minor differences are to be expected and it may be possible to develop an acceptable compromise in a meeting.

Refer to Chapter 2 for information about openness.

Deciding whether or not to proceed to the proposal stage

- After sharing all information obtained about the child with prospective adoptive parent(s) at the preliminary stage, provide the prospective adoptive family time to think and/or discuss among themselves whether they are interested in proceeding to the proposal stage.
- If prospective adoptive parent(s) express interest in proceeding with the child, ensure:
 - that their written family assessment is current, and
 - that they have been approved for a child with the same types of special needs as the child who has been proposed.

When ensuring that the prospective adoptive parent(s)' written family assessment is current:

- request that prospective adoptive parent(s) complete the Annual Adoption Homestudy Update Report(CF2682):
 - if the written family assessment or the last update was completed more than 3 months ago
 - there is no fee for the Annual Adoption Homestudy Update Report (CF2682) required at the time of proposal
- conduct a prior contact check, including a check to determine if there has been a protocol investigation, and, where any concerns have arisen since the last prior contact check:
 - refer to Practice Standard 46 to assess the results
 - consult with your supervisor/team leader as to whether to proceed to the proposal stage
- obtain from prospective adoptive parent(s) a new criminal record search if the most recent search is more than 9 months old (a search through the Criminal Records Review Agency is not required), and where any charges have arisen since the last search:
 - refer to Practice Standard 46 to assess the results, and
 - consult with your supervisor/team leader as to whether or not to proceed to the proposal stage.

When ensuring that the prospective adoptive parent(s) have been approved for a child with the same types of special needs as the child who has been proposed:

- review the assessment and recommendation of the adoptive parent(s)' written family assessment and assess the capacity of the prospective adoptive parent(s) to meet the needs of the child as described by the child's worker
- if the child's needs are greater than or significantly different from those for which the prospective adoptive parent(s) have been recommended, review with them the long-

term implications of the child's needs and assess their ability to parent a child with these needs

- if you and the prospective adoptive parent(s) agree that they understand the implications of the child's needs and are able to meet these needs:
 - revise the recommendation on the written family assessment or add on a further recommendation which:
 - reflects the prospective adoptive parent(s)' greater capacity to meet the child's needs, and
 - indicates how they have been prepared to meet the needs of the child as required in subsection 3(3) of the *Adoption Regulation*
 - contact the child's worker and if the child's worker and his or her supervisor/team leader continue to believe that a placement with the prospective adoptive parent(s) would be in the child's best interests, he or she will send you the child's information and proposal package
- if you and the prospective adoptive parent(s) agree that the child's needs are greater than they are capable of managing, inform the child's social worker that the prospective adoptive parent(s) are not well suited to meet the needs of the child.

PRACTICE STANDARD 50

The Adoption Proposal and Preparing for Placement

When an adoption placement of a child is proposed, you must:

- ensure that all information on the child provided by the child's worker is shared with the prospective adoptive parent(s) and their physician
- ensure that prospective adoptive parent(s) have the opportunity to consult with medical professionals and/or others about the child's care
- assess the prospective adoptive parent(s)' ability and readiness to meet the specific needs of the child
- complete a statement, for the prospective adoptive parent(s) to sign, that acknowledges the documentation and information that has been provided about the birth parent(s) and the child
- unless the child proposed has been voluntarily placed under the *Adoption Act* and has no special service needs as defined in section 26(c) of the *Adoption Regulation*
 - as participants in the review of the child's comprehensive plan of care, determine with the prospective adoptive parent(s) their plan to meet the child's needs
 - complete the "Description of services to be provided based upon the child's needs" and "Target date" categories of the child's non-identifying comprehensive plan of care
 - obtain your supervisor's/team leader's approval and signature on the comprehensive plan of care.

After the prospective adoptive parent(s) have confirmed their interest in parenting the child you must:

- forward to the child's worker:
 - a copy of the prospective adoptive parent(s)' letter of acknowledgement
 - the completed comprehensive plan of care, if required
- if the child has special service needs, determine with the child's worker and both your supervisors/team leaders whether the prospective adoptive parent(s) can meet the special needs of the child
- if the child does not have special service needs, obtain the approval of your supervisor/team leader for the placement to proceed
- negotiate the terms of openness agreements and where possible complete openness agreements involving children in care, and
- arrange pre-placement visits and placement with the child's/birth parent's worker according to the written plan
- conduct a new prior contact check (including a check for protocol investigations) if the one completed at time of proposal is more than 30 days old.

When it has been determined that the prospective adoptive parent(s) can meet the needs of the child, the placement of the child must occur within 6 months. If the child cannot be placed within 6 months, you must document the reasons and obtain the approval of your supervisor/ team leader.

Commentary

At the time a specific child is proposed for adoption, it is your responsibility to ensure that the prospective adoptive parent(s) are fully informed about the child and the child's needs. It is also your responsibility to assess the prospective adoptive parent(s)' strengths, limitations, capacity and readiness to meet the specific needs of the child who is being proposed. In addition, your role includes assisting the prospective adoptive parent(s) in deciding whether to proceed with the placement and helping them prepare for the placement.

Once it has been determined through preliminary discussions that the prospective adoptive parent(s) are interested in the child and appear to be able to meet the child's needs, complete and accurate information about the child is provided by the child's worker, for sharing with the prospective adoptive parent(s) as required by the *Adoption Act* and the *Adoption Regulation*. Before sharing any information, all identifying material about the child and other individuals in the child's life is removed.

Adoption Act
s. 6(1)(d)
Adoption Reg.
s. 4

Guardianship Practice Standard 22 requires a review of the child's comprehensive plan of care when an adoptive home is found for a child. Unless the child's birth parent(s) are planning adoption by consent under the *Adoption Act* and the child has no special service needs, the child's worker records information about the child's needs on the child's comprehensive plan of care. It is your responsibility to share the comprehensive plan of care with the prospective adoptive parent(s), and help them to determine if and how best they can meet the child's needs. If you and the prospective adoptive parent(s) believe they are well suited to meet the child's needs, and your supervisor/team leader supports this, the completed comprehensive plan of care is returned to the child's worker. He or she will convene a meeting or conference call involving each of you and your supervisor/team leaders to determine if the placement is in the child's best interests. This process meets the requirements for a plan of care review meeting.

The child's/birth parent(s)' worker co-ordinates with you and the prospective adoptive parent(s) the pre-placement visits and placement of the child. Unless the plan is for caregivers to adopt a child who is already living in their home, pre-placement visits occur before placement. The Adoption Placement Agreement is prepared by the worker for the child/birth parent(s) and signed by the prospective adoptive parent(s) at the time of placement. It defines the responsibilities of the prospective adoptive parent(s) and the Director during the post-placement period (refer to Practice Standard 29).

Guidelines

When sharing the proposal and information package with prospective adoptive parent(s) and their physician:

- ensure that all names have been deleted from the child's information
- prepare two sets of the child's medical history, one marked "Physician's Copy" and the other "Prospective Adoptive Parent(s) Copy"
- share the child's non-identifying information, including the child's medical reports and other assessments, with prospective adoptive parent(s) and allow them sufficient time to read and consider the information at home
- share and discuss all requests for openness
- request that the prospective adoptive parent(s) give the "Physician's Copy" to their medical practitioner to review with them
- do not attempt to interpret the medical information

- if there is a specific medical problem, either in the birth family history or with the child, encourage the prospective adoptive parent(s) to consult with their medical practitioner about the implications for the child and for themselves
- when there are assessments related to other aspects of the child's development, encourage the prospective adoptive parent(s) to discuss the assessments with the relevant specialists, and
- discuss with the prospective adoptive parent(s) the needs of the child and their abilities to meet them.

When prospective adoptive parent(s) believe the child is well suited for them and you agree:

- consult with your supervisor/team leader, and obtain his or her support to proceed
- complete a statement for the prospective adoptive parent(s)' signature that acknowledges the documentation and information that has been provided, and that:
 - lists all of the documentation that has been provided to the prospective adoptive parent(s) about the child and the child's birth family
 - acknowledges that there may be information about the child that is unknown
 - states that the prospective adoptive parent(s) wish to proceed with the adoption
- for a sample statement, refer to the Appendix of *Administrative Procedures and Guidelines* for Adoption Services for the Letter from Prospective Adoptive Parent(s) Acknowledging Receipt of Information in a Proposal
- place a copy of the prospective adoptive parent(s)' letter of acknowledgement on the (AH) file
- when the child proposed is in the continuing custody of a director under the *CFCSA* or when placement occurs under the *Adoption Act* for a child with special service needs, complete with prospective adoptive parent(s) the "Description of services to be provided based upon the child's needs" and "Target date" categories of the child's non-identifying comprehensive plan of care
 - refer to Practice Standard 24 for the definition of special service and placement needs.

When completing the "Description of services to be provided based upon the child's needs" and "Target date" categories of the child's non-identifying comprehensive plan of care:

- refer to Practice Standard 27 for a detailed description of adoption-specific information that the child's worker will have included in the "Specific Needs" and "Desired Outcome" categories
- in addition to the required information, address the adoption-specific information by including:
 - the prospective adoptive parent(s)' capacity and readiness to meet the child's special needs
 - the availability of community resources to meet the child's special needs
 - plans for dealing with identified potential problem areas
 - a placement plan, including pre-placement visits and a plan to place the child within 6 months of when it has been determined that the prospective adoptive parent(s) can meet the needs of the child
 - post-placement support expectations, including frequency of home visits and other supportive contacts required for the child and family, and
 - the degree of openness that the prospective adoptive parent(s) have agreed to maintain with the child's birth family, siblings or foster family

- sign and obtain the prospective adoptive parent(s)' signature on the comprehensive plan of care, and
- obtain your supervisor's/team leader's approval and signature on the comprehensive plan of care.

When the comprehensive plan of care is not required:

- confirm the terms of all openness agreements with the prospective adoptive parent(s) and the birth parent(s) before placement
- inform the prospective adoptive parent(s) of any legal risks to the adoption placement including:
 - whether consents have been signed
 - the lack of a required consent
 - the possibility that a consent could be revoked:
 - prior to placement by anyone who has consented
 - by the birth mother after placement but within 30 days of the child's birth
 - by the child after placement up until the adoption order is granted, and
 - by the court before the adoption order is granted, if anyone who has consented applies to the court
- when the child will be placed before consents are signed, or before the 30-day revocation period has expired, inform the prospective adoptive parent(s) that the birth parent(s) may still decide to parent the child and, if so, the child will be returned to the birth parent(s)
- obtain your supervisor's/team leader's approval for the placement to proceed, and
- return the prospective adoptive parent(s)' letter of acknowledgement and advise the worker for the birth parent(s) that the prospective adoptive parent(s) are interested in adopting the child and able to meet the needs of the child.

When determining whether the prospective adoptive parent(s) can meet the needs of a child with special service needs:

- return the prospective adoptive parent(s)' letter of acknowledgement and the completed comprehensive plan of care to the child's worker
- after receipt of the above, the child's worker convenes a meeting or a conference call with:
 - his or her supervisor/team leader
 - you [the worker for the prospective adoptive parent(s)], and
 - your supervisor/team leader
- the purpose of the meeting or conference call is:
 - to review the completed comprehensive plan of care and your assessment of the prospective adoptive parent(s)' understanding and capacity to meet the needs of the child, and
 - for the participants to come to agreement that the proposed placement is in the child's best interests.

If all participants are in agreement that the prospective adoptive parent(s) are well suited to meet the needs of the child, the supervisor/team leader for the child's worker will approve the comprehensive plan of care.

When negotiating openness agreements:

- if the child is in the continuing custody of a director under the *CFCSA* negotiate and assist in completing the terms of the agreement, wherever possible, prior to the child's placement as required in Practice Standard 14, and

- if the child will be placed under the *Adoption Act* initiate the negotiations with prospective adoptive parent(s) as required in Practice Standard 14; there is no requirement to complete the terms of the agreement until after placement.

When the prospective adoptive parent(s) indicate an interest in receiving post-adoption assistance:

- determine if they are eligible to receive post-adoption assistance
- wherever possible prior to placement, negotiate the Post-adoption Assistance Agreement to be completed and signed after placement
- refer to Chapter 7 for direction.

Arranging pre-placement visits and placement:

- The child's worker may request that you obtain from the prospective adoptive parent(s) a video or family album to assist in preparing the child for pre-placement visits.
- The child's worker in conjunction with you and the prospective adoptive parent(s) develops a placement plan including pre-placement visits.
- The duration and frequency of the pre-placement visits is based on the written plan included in the child's comprehensive plan of care.
- Refer to Practice Standard 28 and Suggestions for Pre-placement in the Appendix.
- Inform prospective adoptive parent(s) that they travel at their own expense, unless the expenses of pre-placement visits impose a hardship for them, in which case you may provide financial assistance:
 - payment is made by coding block after all receipts have been received
 - determine the appropriate "service line" for the Adoption Program
- Advise prospective adoptive parent(s):
 - that pre-placement visits are not a guarantee of adoption placement
 - how and when to contact you or the child/birth parent(s)' worker if the need arises
 - where possible, pre-placement visits allow time for them to return to their home community so that you can discuss the proposed placement together (but if this is not possible, arrange time for at least one phone conversation to discuss their readiness to adopt the proposed child)
 - that after pre-placement visits occur and before placement, the child should have the opportunity to return to a safe environment (i.e., the caregiver's home) to discuss his or her feelings about the proposed adoption
 - that they will be asked to sign the Adoption Placement Agreement which transfers care and custody of the child to them
- Conduct a new prior contact check (including a check for protocol investigations) if the one done at the time of proposal is more than 30 days old.
- Ensure that prospective adoptive parent(s) have a certified child restraint system (car seat), if appropriate.
- Provide prospective adoptive parent(s) with the Notice of Placement (CF1023) and advise them that the *Adoption Act* requires them to complete the notice and return it to the ministry within 14 days of placement.
- Schedule a visit with the child and the prospective adoptive parent(s) to occur within 7 calendar days after placement.

Refer to Practice Standard 57 for your responsibilities after placement.

CHAPTER 7:

Post-adoption Assistance

The Post-adoption Assistance Program provides financial assistance and access to other support services to families with children placed by the ministry who have special service or placement needs. The program is based on a family support model which recognizes that families that adopt children with special service or placement needs may require additional supports in meeting those needs. Funding through the program is not intended to be a financial incentive to adopt, but is meant to assist the child and family after placement.

The Post-adoption Assistance Program has three key components:

- designation: defines the needs and circumstances of the children to be placed and assesses potential service needs (refer to Practice Standard 24)**
- eligibility: examines the circumstances of the adoptive family**
- assistance: provides financial assistance and access to support services**

The program provides for direct payment to the families to purchase necessary services or equipment. It also provides access to support services provided or funded by the ministry. In certain circumstances, maintenance payments may also be provided.

If a child is designated and the adoptive family meets the eligibility requirements, they can enter into a post-adoption assistance agreement with the Director of Adoption for services or funding.

PRACTICE STANDARD 51

Assessing Eligibility for Post-adoption Assistance

When a family that has adopted a child after November 4, 1996, or is considering adopting a specific child, or had an agreement after November 4, 1996 to receive assistance under section 7 of the *Assisted Adoption Regulation* (872/89) applies for post-adoption assistance, you must determine whether the family is eligible for assistance on the basis of the following criteria:

- the child is or is eligible to be a “designated child” as described in Practice Standard 24
- the designated child and adoptive parent(s) have a demonstrated need for one or more of the services described in section 28 of the *Adoption Regulation* (refer to Practice Standard 52), and
- the family has a demonstrated financial need as determined by an income test.

Commentary

Adoption Reg.
s. 27

The *Adoption Regulation* defines eligibility for financial assistance or other assistance after an adoption placement for a child adopted after November 4, 1996 or when prospective adopted parents propose to adopt a child. Since post-adoption assistance is directly linked to the child’s special service and placement needs, the family’s eligibility is not assessed until a particular child is being considered or has been adopted by the family. The child and family must demonstrate need for one or more of the services outlined in Practice Standard 52, and the family must have financial need, as determined by an income test.

If a child who was adopted after November 4, 1996 has not been designated, refer to Practice Standard 24.

Adoption Reg.
s. 30.1

The *Adoption Regulation* permits those with agreements under the previous Assisted Adoption Program to maintain eligibility for post-adoption assistance under the regulations of the Post-adoption Assistance Program.

At the time of designation (refer to Practice Standard 24), the child’s worker will have assessed the needs of the child and identified services that the child is likely to require immediately to meet those needs and/or until the child reaches the age of 19.

Guidelines

When prospective adoptive parent(s) or adoptive parent(s) wish to apply for post-adoption assistance:

- determine if the child has been designated:
 - if the child has been proposed but not yet placed, review the comprehensive plan of care completed at the time of proposal to confirm that the child has been designated
 - if you have responsibility for the (CS) file and (AH) file, review the (CS) file to confirm that the child has been designated and that all designation material is on the file
 - if the (CS) file and (AH) file are closed because the adoption has been completed, contact Adoption Branch for access to these files
 - if the child has not yet been designated and you believe he or she is entitled to be designated, refer to Practice Standard 24

- assess the child's need for services for the term of the Post-adoption Assistance Agreement based on:
 - the information provided under the child's designation process, and comprehensive plan of care, and
 - any new information gathered in consultation with the prospective adoptive parent(s) or adoptive parent(s) and appropriate professionals
- if siblings are placed in the same adoptive home, whether together or at different times, assess each child's service needs independently, as a separate agreement will be made for each child
- obtain from the prospective adoptive parent(s) a completed Application/Reapplication for Post-adoption Assistance (CF2207 and CF2207A)
- open an (AA) file in the prospective adoptive parent(s)' or adoptive parent(s)' name, transferring the post-adoption assistance section (designation material) from the (CS) file to the (AA) file
- although there is a separate agreement for each child, all agreements within one family are kept on the same (AA) file
- if another child is placed for adoption and there is a post-adoption assistance agreement, that agreement is added to the family's (AA) file and the child's name added as a dependant on the file.

When income testing prospective adoptive parent(s) or adoptive parent(s) who are applying for post-adoption assistance:

- request documentation in support of the financial statement that is included on the Application/Re-application for Post-adoption Assistance (CF2207)
- their available income (net monthly income minus monthly expenses) is used to calculate their contribution to the cost of requested services
- if applicant(s) have been income tested for other ministry programs and are making payments towards the cost of those services, their existing contributions will be taken into account before determining their contribution, if any, to the post-adoption assistance
- if the applicant(s) are receiving or applying for post-adoption assistance for more than one child, their total contribution is divided among the children requiring the services.

To determine the prospective adoptive parent(s)' or adoptive parent(s)' eligibility for assistance:

- review with them the Application/Re-application for Post-adoption Assistance (CF2207)
- where siblings are placed for adoption jointly, request that they complete a separate application for each child
- request and review the required documentation to support the income test
- if the family income will change after placement of the child (e.g., if one parent will be quitting work), the changed family income should be used to calculate eligibility
- calculate whether the family's net assets exceed \$100,000 as determined through the application, not including their principle residence, primary vehicle and Registered Retirement Savings Plan, and if this is the case, the family is not eligible
- in exceptional circumstances, the Director of Adoption may approve post-adoption assistance for families with over \$100,000 in assets.

When prospective adoptive parent(s) or adoptive parent(s) have applied for maintenance, consider the following:

- the amount of the maintenance payment is calculated on the basis of the income test and the age of the child
- the amount of the maintenance payment cannot exceed the basic foster care rate, which is posted on MCF Connect (Intranet).

If a family is eligible for assistance, negotiate the terms of the Post-adoption Assistance Agreement with the prospective adoptive parent(s) or adoptive parent(s):

- transfer figures from the Application/Re-application for Post-adoption Assistance-Part A (CF2207) to the Post-adoption Assistance Service and Payments Planning (CF2710) for this purpose, and
- refer to Practice Standard 53.

When prospective adoptive parent(s) or adoptive parent(s) apply but are not eligible for assistance under the Post-adoption Assistance Program:

- advise them in writing of the reasons
- keep their application for post-adoption assistance, accompanying documentation and any other related materials on the (AA) file
- if they choose to appeal this decision, advise them of the ministry complaints process (refer to Practice Standard 5), and
- if there is no further request for assistance, close the (AA) file.

PRACTICE STANDARD 52

Determining the Appropriate Post-adoption Assistance

When a child has been designated for post-adoption assistance, and a family is assessed as eligible for assistance through the income test, you must determine the appropriateness of the following types of assistance:

- specific service payments: financial assistance to purchase services for the child or the family
- direct service support: access to services provided by the ministry that address the child's or family's needs
- maintenance: payments to financially assist families who adopt children with special placement needs in the following circumstances:
 - the child is a member of a family group that should be placed together, either jointly or successively
 - the child has established significant emotional ties with a person who proposes to adopt the child
 - the child has cultural ties that require a culturally compatible placement or support, or
 - the family adopted the child prior to November 4, 1996 and had an agreement to receive maintenance payments after that date.

When determining the appropriate post-adoption assistance, you must ensure that:

- financial assistance is not provided if the required service or assistance is available to the family at no cost from another source
- if the required service is available at a reduced cost to the family from another source, financial assistance does not exceed the amount of the reduced cost
- payment for services does not exceed the cost of services provided to a child in the care of a director under the *CFCSA* and
- maintenance payments do not exceed the basic rate for foster care.

Commentary

Adoption Reg.
s. 28

The *Adoption Regulation* defines the types of financial assistance and other assistance available through the ministry's Post-adoption Assistance Program and the circumstances under which prospective adoptive parent(s) or adoptive parent(s) can apply for maintenance.

Adoption Reg.
s. 30.1(2)

The *Adoption Regulation* permits adoptive parent(s) who adopted a child prior to November 4, 1996 and who were in receipt of maintenance payments after November 4, 1996 to continue to be eligible for maintenance.

Guidelines**Supporting the need for specific or direct services**

Where appropriate and available, obtain an assessment of the child's need for a specific or direct service and a recommendation from an independent professional:

- the independent professional assessment and recommendation may be on the child's (CS) file as part of the child's designation documentation or is provided by the prospective adoptive parent(s) or adoptive parent(s)

- where an assessment of the child's need for a specific service and a recommendation from an independent professional is not available:
 - you have discretion to recommend these services after consulting with your supervisor/team leader and obtaining your supervisor's/team leader's approval to recommend these services
 - document all reasons for recommending the service on the file.

Specific service payments

Specific service payments are made to prospective adoptive parent(s) or adoptive parent(s) so that they can purchase services specified in the Post-adoption Assistance Agreement.

When determining the appropriate specific service payment for the child and family, consider the following:

- families can access some support services directly through the ministry
- the need for services must be supported by an assessment and recommendation by a relevant independent professional
- copies of all professional assessments must be provided
- specific service payments may be used to enhance, but not replace, services and assistance available from existing resources in the community, such as Medical Services Plan, Victim's Assistance, ICBC, health units, community services, B.C. Benefits and Criminal Injuries Compensation
- if the child has funds held by the Public Guardian and Trustee or an executor, contact the Public Guardian and Trustee or executor to determine whether the funds can be made available to the adoptive family to offset costs related to the child's special service needs (examples of funds that may be available are orphan's benefits under the Canada Pension Plan and Indian Band disbursement payments)
- if the child is dependent in all aspects of daily living, such as feeding, hygiene, toileting and grooming, advise the family to apply for health benefits under the At Home program, as they may be eligible to receive benefits for the child under both At Home and Post-adoption Assistance programs, and
- the Post-adoption Assistance program does not cover any costs associated with openness agreements.

Specific service payments may include the costs of one or more of the following:

- medical expenses
- orthodontic and corrective dental treatment
- equipment to accommodate an identified need (defined in relation to the child's safety, security and medical needs)
- counselling or therapy, including psychological, occupational, speech and hearing therapies
- remedial education (including tutoring), except:
 - costs related to home schooling, which are met by the Ministry of Education
 - costs for private schools unless, because of extraordinary circumstances, they had been covered by the ministry while the child was in care and they are directly related to the child's comprehensive plan of care, or they were previously approved under post-adoption assistance and assessed as essential to meeting the child's educational needs
- rehabilitation training
- special needs day care
- special services to children and youth (child care or youth care workers)

- home renovations to accommodate an identified need (defined in relation to the child's safety, security and medical needs)
- extraordinary transportation costs, and
- any other expenses related to care and treatment (which are directly related to the child's comprehensive plan of care).

Direct service support

Direct service support allows you to refer prospective adoptive parents or adoptive parents and their children to programs funded or contracted through the ministry.

- There may be regional variation in program availability.
- Direct service support may be provided in cases where the service need assessment found them appropriate instead of, or in addition to, specific service payments.

Direct services may include:

- homemakers
- respite
- parenting programs or other training
- counselling, and
- adoption support and information services.
- therapy
- special services to children and youth (child care or youth care workers).

PRACTICE STANDARD 53

Negotiating and Completing a Post-adoption Assistance Agreement

When completing a post-adoption assistance agreement with prospective adoptive parent(s) or adoptive parent(s), you must:

- negotiate and develop a service and payments plan with them
- obtain approval for the plan from your supervisor/team leader
- ensure prospective adoptive parent(s) or adoptive parent(s) have been informed about procedures for accountability
- prepare a written post-adoption assistance agreement with the prospective adoptive parent(s) or adoptive parent(s), in accordance with post-adoption assistance regulations, which sets out the financial assistance or other assistance to be provided and the conditions upon which the assistance will be provided
- send a draft agreement to Adoption Branch for approval, and
- after the draft agreement has been approved, obtain the signature(s) of the prospective adoptive parent(s) or adoptive parent(s) on the agreement and forward it to Adoption Branch for signature.

Commentary

Adoption Reg.
s. 29

The *Adoption Regulation* requires that a written agreement be entered into with applicants for post-adoption assistance. This agreement sets out the financial or other assistance to be provided to families, and the conditions upon which it will be provided. This standard describes the negotiation process and the requirements for entering into an agreement.

The negotiation process establishes the services needed and the extent to which they will be supported through the post-adoption assistance program. The program is not able, or intended, to meet all service requests, but it is your responsibility to work with prospective adoptive parent(s) or adoptive parent(s) to identify what assistance is possible, and to consult with your supervisor/team leader during this process.

The *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* applies to children under the guardianship of a provincial or territorial child welfare authority who have moved or will move to another province. Under the protocol, a child in care includes a child in the guardianship of a child welfare authority by court order or adoption consent. The province that places a child in care for adoption is responsible for paying any adoption subsidy. The province in which the child will reside agrees to assist the originating province in determining the availability of services, assessing the child and family's need and negotiating the subsidy.

Guidelines

Negotiations with prospective adoptive parent(s) for post-adoption assistance may begin after:

- the child's comprehensive plan of care, at the time of proposal, has been completed and approved by your supervisor/team leader and the supervisor/team leader for the child's worker
- a conference call and/or meeting among you, the child's worker and both of your supervisors/team leaders has determined that the proposed placement can meet the special service and or placement needs of the child, and
- eligibility has been established.

When informing prospective adoptive parent(s) or adoptive parent(s) about procedures for accountability, include:

- prospective adoptive parent(s) or adoptive parent(s) are responsible for providing proof of expenses incurred and payments made for services purchased
- receipts for the full cost of specific services, including the adoptive family's contribution, are collected every two years when the agreement is renewed or at the conclusion of a major project such as a home renovation or orthodontic or corrective dental treatment
- funds paid for specific services are to be used and accounted for as outlined in the agreement
- if funds allocated for a specific service are not fully used, the remaining portion may not be transferred to cover costs of another specific service unless the existing agreement is modified
- if prospective adoptive parent(s) or adoptive parent(s) anticipate that their expenses will be more or less than the amount allowed in the agreements, they should apply to modify the agreement accordingly in order to avoid an overpayment or underpayment
- if no receipts are provided, the funds will be deducted from the amount payable when the document is renewed. If the agreement is not renewed, the prospective adoptive parent(s) or adoptive parent(s) will be asked to return the amount not accounted for. If the funds are not returned, the Debt Collection Officer in Financial Services Branch will be notified.

When developing a post-adoption assistance agreement with prospective adoptive parent(s) or adoptive parent(s):

- use the Post-adoption Assistance Service and Payments Planning form (CF2710):
- review the services requested by the family in the Application/Re-application for Post-adoption Assistance-Part A (CF2207) and determine the extent to which those services would be available to a child in care
- explore other sources of funding or programming to meet the service needs, such as:
 - existing community counselling
 - speech and language programs
 - the prospective adoptive parent(s)' or adoptive parent(s)' extended health plan
 - orphan's benefits under the Canada Pension Plan, or
 - an estate or funds held by the Public Guardian and Trustee or an executor
- discuss options for meeting the request (direct access to ministry programs or the provision of funds so the family may purchase specific services) keeping in mind the child's needs and what can be fiscally managed through post-adoption assistance
- if applicable, determine the amount of maintenance payable
- if the child will turn 12 years of age during the term of the agreement, the higher rate for maintenance will apply, as general increases in basic caregiver rates will neither be passed on during the terms of the agreement nor paid retroactively
- arrive at a preliminary agreement with the family:
 - outline it on the CF2710, and
 - obtain your supervisor's/team leader's approval and signature on the CF2710.

When preparing a Post-adoption Assistance Agreement (CF2210) with the prospective adoptive parent(s) or adoptive parent(s)

The CF2210 formally outlines the services and assistance to be provided. An agreement is required even where the only assistance provided is through direct service support.

The agreement includes:

- the type and amount of financial assistance
- the direct services to be provided
- a payment schedule
- the term of the agreement
- an accountability provision which obliges the prospective adoptive parent(s) or adoptive parent(s) to submit to the ministry proof of expenses incurred and paid for, and
- a provision specifying how unused funds paid to the prospective adoptive parent(s) or adoptive parent(s) are to be recovered by the ministry.

When specifying the term of the agreement, consider the following:

- agreements are for a maximum of two years
- the term of the agreement should start on the first of the month and end at the appropriate month end
- payments under any agreement beginning or ending during the month will be pro-rated on the basis of a 30-day month, and
- if the child will reach 19 years of age during the term of the agreement, the termination date is the child's birth date.

Complete three original copies of the agreement as follows:

- In Schedule A, paragraph 1A of the agreement, indicate in the appropriate box that the child has been designated, the basis of the child's eligibility for designation, the type of assistance to be provided and who recommended the service.
- In Schedule A, paragraph 2, indicate if the child has special placement needs and the basis for this need.
- In Schedule B of the agreement, set out the terms of payment and payment instructions to Financial Services Branch.
- Calculate with the prospective adoptive parent(s) or adoptive parent(s), as best possible, the cost of the special needs of the child over the term of the agreement.
- Calculate all known costs on a monthly basis so that payments can be made monthly.
- Indicate the nature of the lump sum (one time only) payment in paragraph 1 of Schedule A and paragraph 4 of Schedule B (use one time only payments only when a lump sum is required – e.g., a home renovation; all other payments are made on a monthly basis).
- In paragraph 3 of Schedule B, state the total amount payable over the term of the agreement, which includes all payments for specific services, maintenance, direct service and time-limited amounts.
- Cross out and have all parties signing the agreement initial all sections of the agreement that do not apply in the particular case (for example, if prospective adoptive parent(s) or adoptive parent(s) are not eligible to receive maintenance payments, draw a line through that section of the schedule, and have the prospective adoptive parent(s) or adoptive parent(s) and the Director of Adoption initial in the margin of the page).
- In paragraph 6 of Schedule B, indicate the name or names to whom the payment will be made (prospective adoptive parent(s) or adoptive parent(s) may choose to have one or both parents receive payment).
- Encourage prospective adoptive parent(s) or adoptive parent(s) to consider having payments made through direct deposit (form FIN 312).
- Ensure prospective adoptive parent(s) or adoptive parent(s) have read and fully understand the agreement.
- Prior to obtaining the signature of the prospective adoptive parent(s) or adoptive parent(s), forward the following by e-mail to Adoption Branch for approval:

- a draft agreement, including Schedules A and B, that clearly outlines the cost and extent of the services provided, and
- a copy of the Post-adoption Assistance Service and Payments Planning Form (CF2710).
- Once approved, ensure the prospective adoptive parent(s) or adoptive parent(s) sign and initial, as necessary, three copies of the agreement.

Adoption Branch will sign the agreement on behalf of the Director of Adoption.

Complete the Authorization to Pay Contracts and Grants (CF0025):

- All payments for the Post-adoption Assistance Program are paid out of the accounting office in Victoria.
- If payments change during the term of the agreement, complete a new Authorization to Pay Contracts and Grants (CF0025) and a Modification Agreement (on template) and forward them to Adoption Branch for signature. Adoption Branch will forward them to Financial Services Division. NOTE: The aggregate amount on the Authorization to Pay Contracts and Grants (CF0025) is changed to reflect the total amount payable for the current agreement plus the total amount of the additional agreement.
- In all cases, complete the following fields on the (CF0025) as follows:
 - indicate contract rather than grant
 - indicate whether this is an initial agreement, renewal or modification
 - Name and address of payee: insert the full name and address of the person(s) to whom the cheques are to be sent
 - Total amount approved: insert the amount indicated in paragraph 3 of Schedule B of the agreement, including the total of monthly payments plus any one-time payment
 - Period: *from* the date of the first payment; *to* the date of the last payment (based on the term of the agreements specified in paragraph 4 of the agreement)
 - Pay:
 - (a) where payments are to be made monthly for the duration of the agreement, indicate the total amount of each monthly payment (this will be the total of the amounts for specific services and maintenance indicated in Schedule B)
 - (b) where a time-limited lump sum is to be paid, indicate the amount payable and place a check in the box indicating "one time only"
 - Date first/only payment is due: indicate the date on which the first or only payment is due (the 15th of the month)
 - Program: insert PAA (maintenance on one line and specific services on another)
 - Accounts to be charged:
 - Amount: indicate the breakdown, according to activity code, of the monthly amount payable
 - Responsibility code: insert the office code for Adoption Branch - XNG
 - Service line:
 - for specific services and lump sums: 14355
 - for maintenance payments: 14356
 - STOB: 7807
 - Project Number: insert the full name of the child by adoption
 - Spending authority/date: to be signed and dated by the Director of Adoption.

Forward the three signed originals of the agreement to Adoption Branch for signature

Include with the originals of the agreement

- the completed Authorization to Pay Contracts and Grants (CF0025), and
- where applicable the completed direct deposit form (FIN 312).

Adoption Branch will:

- forward the (CF0025), the (FIN 312) and an original signed copy of the agreement to Financial Services Division which initiates ongoing monthly payments for the term of the agreement
- retain one copy of the agreement for their files, and
- return two signed original copies of the agreement to the district office.

When the signed copies of the agreement are returned from Adoption Branch:

- send one signed copy of the agreement to the prospective adoptive parent(s) or adoptive parent(s)
- advise prospective adoptive parent(s) or adoptive parent(s) that they may request a review of the agreement at any time, and
- retain the remaining signed copy of the agreement on the (AA) file.

When an adoptive family with a post-adoption assistance agreement moves to another province or territory

Post-adoption assistance payments can continue subject to the review process and continued eligibility when an adoptive family with a post-adoption assistance agreement moves to another province or territory.

When you are notified that an adoptive family with a post-adoption assistance agreement is planning to move to another province or territory:

- ensure the adoptive parent(s) explore the availability and costs of services locally, as the ministry cannot provide direct services outside the province
- obtain the written consent of the adoptive parent(s) to release information from the (AA) file to the receiving province, using a Consent to Disclosure of Information (CF0609)
- provide the child welfare authority in the other jurisdiction 30 days' prior notice in writing and as appropriate request assistance in securing needed services, assessing ongoing need and eligibility and negotiating or renewing the agreement
- forward to the receiving province:
 - information about the Post-adoption Assistance program and the eligibility of the adoptive parent(s)
 - copies of all documents associated with the approval of post-adoption assistance, and
 - copies of the most current post-adoption assistance agreement on file, and
- retain the (AA) file in the district office where the agreement was signed.

Post-adoption assistance when a B.C. child in care is placed for adoption with prospective adoptive parent(s) who reside in another province or territory

The family may receive assistance through the Post-adoption Assistance Program if the child has been designated for post-adoption assistance and the family meets eligibility requirements.

Refer to Practice Standard 66 for direction when placing a B.C. child in care for adoption in another province or territory.

Post-adoption assistance when a plan is made to place a child in the care of another provincial or territorial child welfare authority for adoption in B.C.

- Any adoption subsidy is the responsibility of the originating province.
- Your responsibilities regarding the adoption subsidy are to:

- provide information regarding the availability of needed services and their estimated costs
- assist in assessing the applicant(s)' need and eligibility for a subsidy and in negotiating an agreement on behalf of the child's originating province.

Refer to Practice Standard 68 for further direction when making a plan to place a child in the care of another provincial or territorial child welfare authority for adoption in British Columbia.

Post-adoption assistance when a family receiving or eligible to receive an adoption subsidy from another province or territory is planning to move to B.C.

- The originating province will provide you with the written authorization of the adoptive parent(s) and information about any adoption subsidy.
- Your responsibilities regarding the adoption subsidy are to assist the originating province in:
 - securing needed services
 - assessing ongoing need and eligibility for the subsidy
 - negotiating or renewing a subsidy agreement on behalf of the originating province as required.

Post-adoption assistance when an adoptive family with an (AA) file moves outside of Canada

- Payments can continue, subject to the review process and continued eligibility.
- The district office which last held the contract reaches an agreement to continue working with the family.
- Advise the adoptive parent(s) of the following:
 - post-adoption assistance regulations are subject to change
 - the family is responsible for obtaining assessments for required services, paying any fees for the assessments and providing the district offices with the assessments
 - documentation regarding income is required (contact Adoption Branch for direction)
 - receipts for services will be required
 - all payments for services are in Canadian dollars
 - if the service is provided free in B.C., no assistance is allowable
 - post-adoption assistance can provide assistance only up to the equivalent cost of provision of the service in B.C.
 - maintenance is paid in Canadian dollars at the B.C. rate.
- After receiving professional assessments and a recommendation for services, determine whether the professional is qualified or licensed in their jurisdiction to provide the assessment.
- Request, if necessary, that a child welfare authority in the other jurisdiction provide an independent view of the need for services
- complete all agreements in Canadian dollars.

If post-adoption assistance is refused or deemed inadequate by the prospective adoptive parent(s) or adoptive parent(s):

- when the decision is made regionally, advise the prospective adoptive parent(s) or adoptive parent(s) of the ministry's complaints process (see Practice Standard 5), or
- when the decision is made by the Director of Adoption, advise the prospective adoptive parent(s) or adoptive parent(s) that they may apply in writing to the Director for a review.

PRACTICE STANDARD 54

Modifying, Renewing and Terminating Post-adoption Assistance Agreements

When you receive a request to modify a Post-adoption Assistance Agreement with adoptive parent(s), you must:

- review the agreement with the adoptive parent(s), and
- determine if the designated child and adoptive parent(s) have a demonstrated need for the service, as outlined in Practice Standard 51.

When you have determined that the adoptive parent(s) are eligible to have their agreement modified:

- review the receipts for specific services purchased during the term of the agreement if the receipts are related to the requested changes
- negotiate the terms of the modification agreement
- prepare a modification agreement
- obtain approval for the modification agreement from your supervisor/team leader
- request approval from Adoption Branch by sending a draft modification Agreement with information regarding how the new services will meet the needs of the child and the required professional recommendation, and
- when the modification agreement has been approved, obtain the signatures of the adoptive parent(s) on the agreement and forward it to Adoption Branch for signature.

Prior to the termination date of an existing agreement, contact the adopting parent(s) and if they request that their agreement be renewed, meet with them to :

- review the terms of the existing agreement and to develop a new agreement in accordance with post-adoption assistance regulations, and
- determine whether the child and family continue to be eligible as described in Practice Standard 51 and whether the terms of the agreement remain appropriate.

When you have determined that the adoptive parent(s) are eligible to have their agreement renewed, you must:

- review the receipts for the specific services purchased during the previous term of the agreement
- if receipts for the specific services purchased during the previous term of the agreement are for less than the amount outlined in the agreement, deduct the difference from the amount payable under the new agreement
- negotiate a revised service and payments plan with the adoptive parent(s)
- ensure the term of the new agreement begins after the end of the term of the previous agreement
- obtain approval for the revised plan from your supervisor/team leader
- inform the adoptive parent(s) about procedures for accountability
- prepare a new written agreement with the adoptive parent(s) that sets out the financial assistance or other assistance to be provided, and the conditions under which they will be provided
- send a draft agreement to Adoption Branch for approval, and
- when the draft agreement has been approved, obtain the signatures of the adoptive parent(s) on the agreement and forward it to Adoption Branch for signature.

When you are notified of a change in the adoptive parent(s)' circumstances, you must review the change to determine if eligibility for assistance continues and whether the agreement is to be modified or terminated.

When determining whether to terminate an agreement:

- review the terms of the agreement that outline when the agreement automatically terminates
- review the eligibility requirements as outlined in Practice Standard 51, and
- consult with your supervisor/team leader and Adoption Branch when the child is no longer in the custody of the adoptive parent(s) and the circumstances regarding termination of the agreement are not clearly outlined in the agreement.

When terminating a post-adoption assistance agreement, you must provide 30 days' written notice to the adoptive parent(s).

Commentary

Some changes in a family's or child's circumstances warrant modification or termination of an agreement. Adoptive parent(s) may request modification or termination of an agreement at any time during the term of the agreement by submitting the request to you in writing.

The standard renewal term for Post-adoption Assistance Agreements is two years unless a shorter term is established for a particular purpose. After the end of the term of the agreement, adoptive parent(s) may request that their agreement be renewed. The family's eligibility for a renewal agreement is established by reviewing their eligibility under Practice Standard 51 and by ensuring that the family has produced receipts for the specific services purchased during the previous term of the agreement. If receipts provided for the specific services purchased during the previous term of the agreement are for less than the amount outlined in the agreement, the difference is deducted from the amount payable under the new agreement.

Guidelines

A review of a Post-adoption Assistance Agreement is required when:

- the adoptive parent(s) request that the agreement be modified or terminated
- the child begins living with a caregiver or relative
- the child begins living independently
- the adoptive parents separate and the child is no longer residing with one of the parents
- the child is in the care of the Director of Child Protection under a Voluntary Care Agreement or Special Needs Agreement, or pursuant to a removal
- there is a change in the payee as indicated in schedule "B"
- there is any change in circumstances which may eliminate or reduce the need for assistance, or
- a service for which post-adoption assistance is being provided becomes available at no cost or a reduced cost to the parent(s).

When modifying an agreement:

- use the Modification Agreement (on Template) when revising any agreement before its expiry (the termination date on the original agreement remains the same)
- refer to Practice Standard 53 for instructions on completing the Authorization to Pay Contracts and Grants (CF0025) and the Modification Agreement

- meet with the adoptive parent(s) to review the terms of the existing agreement and negotiate a modification agreement
- review the agreement with the adoptive parent(s), and
- determine if the designated child and adoptive parent(s) have a demonstrated need for the service, as outlined in Practice Standard 51.

When you have determined that the adoptive parent(s) are eligible to have their agreement modified:

- review the receipts for specific services purchased during the term of the agreement if the receipts are related to the requested changes
- negotiate the terms of the modification agreement
- prepare the modification agreement
- obtain approval for the modification agreement from your supervisor/team leader
- include reasons for modifying the agreement and your supervisor's/team leader's approval on the (AA) file
- request approval from Adoption Branch by email, with information regarding how the new services will meet the needs of the child and the required professional recommendation, and include a copy of the Post-adoption Assistance Service and Payments Planning Form (CF2710)
- when the modification agreement has been approved, obtain the signatures of the adoptive parent(s) on the agreement and forward it and the CF0025 to Adoption Branch for signature.

When renewing an agreement:

- to provide sufficient time to renegotiate an agreement, contact the adoptive parent(s) well in advance of the termination date of the agreement
- send them a copy of the Application/Re-application for Post-adoption Assistance - Part A (CF2207) with a covering letter
- if the adoptive parent(s) do not make contact by the date you have specified in the review letter, contact them by telephone within 21 days of the date the review letter was sent and if they do not respond, check with Accounts to determine if the family has submitted a change of address
- when renewal of the agreement is requested, meet with the adoptive parent(s) to review the terms of the existing agreement
- determine whether the child and family continue to be eligible as described in Practice Standard 51 and whether the terms of the agreement remain appropriate
- review the receipts for specific services purchased during the term of the agreement
- note any discrepancy between the amount of the previous agreement and the amount accounted for with receipts
- deduct from the amount payable in the new agreement, in Part V of the Post-adoption Assistance Service and Payments Planning (CF2710), the amount from the previous agreement not accounted for by receipts
- negotiate a revised service and payments plan with the adoptive parent(s) and prepare a new agreement following the guidelines in Practice Standard 53
- ensure the term of the new agreement begins after the end of the term of the previous agreement
- include your supervisor's/team leader's approval on the (AA) file
- prior to obtaining the signature of the adoptive parent(s), forward the following by e-mail to Adoption Branch for approval:

- a draft agreement, including Schedules A and B, that clearly outlines the cost and extent of the services provided, and
- a copy of the Post-adoption Assistance Service and Payments Planning Form (CF2710)
- when the draft agreement has been approved, obtain the signatures of the adoptive parent(s) on the agreement and forward it to Adoption Branch for signature.

When terminating an agreement

- If the adoptive parent(s) have requested termination of the agreement, a copy of the notice of termination is sent to both Financial Services Division and Adoption Branch.
- Refer to Practice Standard 51 for information about when adoptive parent(s) are no longer eligible.

When an amount of payment from the previous agreement is not accounted for by receipts:

- request that the adoptive parent(s) make the payment by mail or in person to the local ministry office
 - the payment can be made in cash, personal cheque, money order or bank draft
 - all non-cash payments are made payable to the Minister of Finance and Corporate Relations
- request that administrative support staff prepare duplicate receipts for the payment
- mail or give the original receipt to the adopting parent(s)
- if the payment is not received, a letter is sent to the adopting parent(s):
 - stating the amount owing that has not yet been received
 - advising them to contact you if they have any questions about the agreement or the Debt Collection Officer in Revenue and Collections, Financial Services Branch in Victoria (with their phone number: 250-387-5679), if there are questions about repayment, and
 - a copy of the letter is sent to Revenue and Collections, Financial Services Branch.

The Post-adoption Assistance Agreement automatically terminates:

- when a child attains the age of 19
- on the death of the child
- on the death of the last remaining adoptive parent
- when the child is no longer in the custody of the adoptive parent(s), including when:
 - the child is living independently
 - the parent has entered into a Voluntary Care Agreement or Special Needs Agreement with the Director of Child Protection
 - the child has been removed and is in the care of the Director of Child Protection.

When the above circumstances could not be foreseen and the adoptive parent(s) have committed funds to pay for specific services, consult with Adoption Branch.

CHAPTER 8:

Post-placement Services

The standards in this section clarify the roles and responsibilities of each of the workers providing adoption services after an adoption placement and before the adoption order is granted.

Before placement, separate workers provide adoption services to the child and/or birth parent(s), and to the prospective adoptive parent(s). However, at the time of placement, the adoption worker for the prospective adoptive parent(s) assumes guardianship of the child who is placed in the home. The role of this worker is to assist the prospective adoptive parent(s) in assuming care of the child. This includes helping the family with strategies to encourage attachment and assisting the prospective adoptive parent(s) to understand the child's needs and the community services that can help the family meet those needs.

After placement, the child's pre-placement worker still has duties to the child, and, when the placement was a voluntary one under the *Adoption Act*, the birth parent(s)' adoption worker has further responsibilities to the birth parent(s). When providing adoption services after placement to birth parent(s) it is important to acknowledge the difficulty of the decision the birth parent(s) have made and to ensure services are provided with sensitivity to their loss and grief.

PRACTICE STANDARD 55

Post-placement Responsibilities of the Child's Pre-placement Worker to a Child in Continuing Custody

After you have placed for adoption a child in the continuing custody of a director under the *CFCSA* you must:

- notify the Public Guardian and Trustee of British Columbia of the child's placement
- cancel medical coverage for the child effective the last day of the month in which the child was placed for adoption
- within 30 days of placement, transfer the child's file to the district office supervising the adoption placement, including all documents and recordings that substantiate that the pre-placement requirements of the *Adoption Act* have been met and that are required to complete the adoption
- before the adoption order is granted, complete any openness agreements that were not completed prior to placement, and
- when required, if you have not yet done so, provide written notice of the application for an adoption order to any person with access to the child.

Commentary

When a child is in the continuing custody of a director under the *CFCSA* the Public Guardian and Trustee of British Columbia is the guardian of the child's estate. When a child is placed for adoption, the Public Guardian and Trustee of B.C. is informed of the placement and is responsible for:

- safeguarding the property interests of the child as required under the *Public Trustee Act* and the *Infants Act*
- administering the child's interests in any property or inheritance, and
- assessing and pursuing any legal claim on behalf of the child.

Information pertaining to a child placed for adoption should be made available as soon as possible to the adoption worker assuming responsibility for the child and to the prospective adoptive parent(s). After the adoption placement, any additional medical reports or assessments received are promptly forwarded to the prospective adoptive parent(s)' adoption worker. There may also be information in the file that is important to the adoption worker in his or her guardianship role and to the prospective adoptive parent(s) in their care of the child.

The extent of your involvement with birth family members after the adoption placement may be very limited, or you may still be involved if openness agreements were not completed prior to placement.

Adoption Act
s. 31

The *Adoption Act* requires that written notice be given to anyone with access at least 30 days before the date set for hearing an application for an adoption order. However, to ensure placement for the child, anyone with access should be made aware well in advance of the date on which the Director intends to consent to the adoption of the child.

Guidelines

When notifying the Public Guardian and Trustee of B.C. of the child's placement:

- complete the Notification to the Public Guardian and Trustee of B.C. form (CF2681) (refer to Appendix for contact information)
- use the child's birth name for identification purposes
- provide the names of the birth parent(s)
- do not disclose the child's name by adoption or the names of the prospective adoptive parent(s) until notifying the Public Guardian and Trustee of B.C. after the adoption completion and then only if the Public Guardian and Trustee of B.C. has advised of continuous involvement with the child
- request that you be advised if the Public Guardian and Trustee of B.C.:
 - is administering the child's estate, or
 - is involved in litigation on behalf of the child.

Additional steps to follow after placement

- Cancel medical coverage effective the last day of the month in which the child was placed for adoption (after adoption placement, prospective adoptive parent(s) assume all costs for the child except those funded by the Post-adoption Assistance Program).
- Promptly forward to the adoption worker for the prospective adoptive parent(s) and child any additional medical reports or assessments you have received.
- When the child has a claim under the Criminal Injury Compensation Program, advise the prospective adoptive parent(s)' adoption worker:
 - that as the child's guardian during the post-placement period, he or she will be required to maintain this involvement
 - after the order is granted he or she will have responsibility for notifying the Criminal Injuries Compensation Program.
- Request that your supervisor/team leader place the child's (CS) file on restricted access on the caseload number of the adoption worker supervising the adoption placement.
- Transfer the child's (CS) file to the district office supervising the adoption placement, including:
 - copies of any access orders
 - a certified copy of the continuing custody order, and
 - a certified copy of the Registration of Live Birth.

When including all other documents and recordings which substantiate that the pre-placement requirements of the *Adoption Act* have been met and that are required to complete the adoption, refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for the Checklist for Summary Recording.

- When advised by the adoption worker for the prospective adoptive parent(s) and child that the placement is nearing completion, and before the adoption order is granted, complete any openness agreements that were not completed prior to placement (refer to Practice Standard 12).
- When providing written notice of the application for an adoption order to any person with access to the child, refer to Practice Standard 20.

When you are notified by the adoption worker for the prospective adoptive parent(s) and child that the adoption order has been granted:

- refer to Practice Standard 15 for requirements and guidelines for registering openness agreements with the Openness Exchange Registry.

PRACTICE STANDARD 56

Post-placement Responsibilities of the Birth Parent(s)' Adoption Worker to the Child and Birth Parent(s) after Voluntary Placement

When birth parent(s) have voluntarily planned adoption under the *Adoption Act* after the child has been placed for adoption, you must:

- take the birth parent(s)' consents to the adoption if you have not yet done so
- when requested, provide support and assistance to birth parent(s) or refer them to an appropriate community service
- obtain a certified copy of the child's Registration of Live Birth
- if required, and if you have not yet done so, apply to the court to:
 - dispense with notice to the birth father as required in Practice Standard 32
 - dispense with a required consent as required in Practice Standard 41
- unless the birth parent(s) have indicated in writing that they do not wish to be notified, make reasonable efforts to promptly notify them of the status of the adoption placement in any of the following circumstances:
 - after notice of placement has been received from prospective adoptive parent(s)
 - after termination of a placement due to a disruption of the placement
 - after the death or critical injury of the child
 - when the adoption order is made
- unless already notified after consents were signed, notify the Public Guardian and Trustee of British Columbia of the child's placement
- if the child was brought into care, cancel the child's medical coverage effective the last day of the month in which the child was placed for adoption
- within 30 days after placement, transfer to the district office supervising the adoption placement, the child's file and relevant information from the birth parent(s)' (AS) file, including all documents and recordings that substantiate that the pre-placement requirements of the *Adoption Act* have been met and that are required to complete the adoption
- complete any openness agreements after consents are signed and before the adoption order is granted, and
- when required, if you have not yet done so, provide written notice of the application for an adoption order to any person with access to the child.

When a birth mother revokes her consent in writing after the child has been placed for adoption and within 30 days of the child's birth, you must meet the relevant requirements of Practice Standard 42.

Commentary

Adoption Act
s. 23

When birth parent(s) voluntarily request adoption placement for their child, the *Adoption Act* allows for birth parent(s) who have care and custody of the child to transfer care and custody to the Director of Adoption before adoption consents are signed. The Director may then transfer care and custody to the prospective adoptive parent(s), thus allowing for an adoption placement before consents are signed.

Adoption Act
s. 25

Depending on whether the child was placed before or after the signing of consents, your involvement with birth parent(s) after the adoption placement may still be extensive. One of your responsibilities is to ensure that birth parent(s) receive any support they need to deal

with their grief and loss and the difficult decision making process they have been through. After helping birth parent(s) assess their needs, you may provide support directly or refer them to appropriate community services to assist in dealing with their feelings.

Adoption Act
s. 24

When consents are signed, the Director of Adoption becomes guardian of the child and the Public Guardian and Trustee of British Columbia becomes guardian of the child's estate. The Director remains guardian of the child until the adoption order is granted, and it is in your guardianship role that you are responsible for notifying the Public Guardian and Trustee of British Columbia of the child's adoption placement.

Adoption Reg.
s. 11(1)

When birth parent(s) or guardian(s) have given adoption consents under the *Act* the *Adoption Regulation* requires that reasonable efforts be made to provide them with notice about the status of the adoption placement, unless they have indicated in writing that they do not wish to be notified. The *Regulation* also describes the manner in which the notice must be provided. In addition, the *Act* requires that reasonable effort be made to notify birth parent(s) or other guardians who requested placement when the adoption order has been granted, unless they have indicated that they do not wish to be notified.

Adoption Reg.
s. 11(2)

Adoption Act
s. 39

Adoption Act
s. 31

Anyone with access to the child is entitled to written notice at least 30 days before the date set for hearing an application for an adoption order. However, to ensure placement for the child, those with access should be made aware well in advance of that date on which the Director intends to consent to the adoption of the child.

Guidelines

When taking the birth parent(s)' consents:

- refer to Practice Standard 39 to determine the required consents, and
- refer to Practice Standard 40 for direction when taking consent.

When providing support and assistance to the birth parent(s) after the child is placed:

- assess the birth parent(s)' need for support to help them acknowledge their grief and loss and the difficult decisions they have made
- be sensitive to the possibility that the birth mother may be undergoing, to varying degrees, emotional and physical changes
- determine what services are available to birth parent(s) within your community
- be prepared to spend time with birth parent(s) and to review with them the adoption process, including their legal rights, guardianship of the child and the birth mother's right to revoke consent within 30 days of the child's birth, and
- inform birth parent(s) of their right to file a no-contact declaration with the Vital Statistics Agency and to apply for access to information when the adopted person reaches 19 years of age.

When obtaining a certified copy of the child's Registration of Live Birth:

- complete the Application for Birth (form VSA 430) requesting a certified copy of the child's Registration of Live Birth and forward it to the Vital Statistics Agency
- place a copy of the form (VSA 430) on the (CS) file, and
- when the Registration of Live Birth is received, forward it to the district office supervising the placement as this document is required to complete the adoption.

When making reasonable efforts to notify birth parent(s) of the status of the adoption:

Adoption Reg.
s. 11(2)

- notification is not required if birth parent(s) have indicated in writing that they do not wish to be notified (refer to Practice Standard 35)
- the *Adoption Regulation* requires that notice be given:
 - by personal service, or
 - by registered mail addressed to the birth parent(s) or guardian at the last known address, of either of them as determined from your records
- refer to the completed (CF2687) Birth Parent or Guardian Request for Notice
- obtain confirmation of delivery and ensure all receipts for registered mail are kept on the birth parent or guardian's (AS) file, and
- if you are unable to provide notice in the above manner, refer to Practice Standard 8 for further direction on making reasonable efforts.

If you are advised that the placement has disrupted, or of the death or critical injury of the child:

- unless the birth parent(s) or guardians have indicated that they do not wish to be notified (refer to the completed (CF2687) Birth Parent or Guardian Request for Notice), try to contact them in person
- be prepared to provide support to the birth parent(s) who will likely experience shock, anger guilt and grief
- in the case of a disruption, prompt notification enables the birth parent(s) or guardian:
 - if they wish to be involved in the planning, to pursue a new plan for the child as soon as possible, or
 - to exercise their right to revoke their consent if applicable, and to assume responsibility for the child (refer to Practice Standard 42).

Additional steps to follow after placement

- Notify the Public Guardian and Trustee of British Columbia of the child's placement, following the direction provided in Practice Standard 55.
- If applicable, cancel medical coverage as of the last day of the month in which the child was placed with the prospective adoptive parent(s) (after the child is placed, prospective adoptive parent(s) assume all costs for the child except those that are funded by the Post-adoption Assistance Program).
- Request that your supervisor/team leader place the child's (CS) file on restricted access on the caseload number of the adoption worker supervising the adoption placement.
- Within 30 days after placement transfer the (CS) file to the district office supervising the placement.
- Within 30 days after placement forward to the district office supervising the child's placement the following from the AS file:
 - the consents, a copy of the birth parent(s)' Birth Parent or Guardian Request for Notice (CF2687)
 - all other documents and recordings which substantiate that the pre-placement requirements of the *Adoption Act* have been met and that are required to complete the adoption
 - refer to the Appendix for the Checklist for Summary Recording.
- When providing written notice of the application for an adoption order to any person with access to the child, refer to Practice Standard 20.
- Keep the (AS) file open to enable the continuation of support services for the birth parent(s).

- After consents are signed, when you are advised by the adoption worker for the prospective adoptive parent(s) that the adoption is nearing completion, complete any openness agreements before the adoption order is granted (refer to Practice Standard 13).

When you are notified by the adoption worker for the prospective adoptive parent(s) and child that the adoption order has been granted:

- refer to Practice Standard 64 for requirements and guidelines when notifying birth parent(s) of the adoption order and closing the (AS) file, and
- refer to Practice Standard 15 for requirements and guidelines for registering openness agreements with the Openness Exchange Registry.

PRACTICE STANDARD 57

**Post-placement Responsibilities
of the Prospective Adoptive Parent(s) Adoption Worker
to the Child and the Prospective Adoptive Parent(s)**

In exercising your guardianship role with the child, you must ensure that the rights of the child in care are affirmed and respected and that all applicable guardianship duties and responsibilities as specified in *Practice Standards for Guardianship* are carried out, including but not limited to:

- maintaining regular contact with the child and prospective adoptive family by:
 - contacting the prospective adoptive parent(s) by telephone or visit within one working day after placement
 - visiting the child and prospective adoptive family in their home within 7 calendar days after placement
 - contacting prospective adoptive parent(s) of a child with special service needs at least once each month, either by telephone or in person, and visiting the child and prospective adoptive family in their home at least 2 additional times within the 6 month post- placement period
 - visiting an infant with no special needs and the prospective adoptive family in their home at least 2 additional times within the 6 month post-placement period
 - if the post-placement period extends beyond 6 months, visiting the child and prospective adoptive family in their home at least every 90 days
- assisting the prospective adoptive family in meeting the child's specific needs as described on the comprehensive plan of care prepared at the time of proposal
- consulting with the child about his or her views of the adoption placement and, if the child is at least 7 years of age and less than 12, ensuring that a written report on the child's views is prepared for the adoption completion, and
- reviewing the child's comprehensive plan of care if the post-placement period extends beyond 9 months.

In addition, during the post-placement period you must:

- ensure that Notice of Placement is provided by the prospective adoptive parent(s) within 14 days of placement
- where applicable, negotiate and complete any Post-adoption Assistance Agreements that were not negotiated with prospective adoptive parent(s) prior to placement
- provide information to prospective adoptive parent(s) of an Aboriginal child about the child's status under the *Indian Act* or the child's citizenship under the Nisga'a Final Agreement
- complete the Recommendation for Child Tax Benefit
- obtain the approval of your regional manager responsible for adoption if the prospective adoptive parent(s) plan to take the child outside of British Columbia for an extended visit or to travel outside of Canada
- ensure that anyone who has access to the child under a court order, or by an agreement enforceable as an order under the *Family Relations Act* receives at least 30 days written notice of the application for an adoption order
- co-ordinate the completion of any openness agreements that were not completed prior to placement
- gather information and documentation for the completion of the adoption

- determine when to complete the adoption
- if the prospective adoptive parent(s) request that the residency requirement be shortened or dispensed with:
 - determine whether it is in the child's best interests, and
 - obtain the approval of the Director of Adoption
- complete the adoption:
 - wherever possible at the conclusion of the 6 month residency requirement, and
 - within 12 months of placement.

Commentary

When birth parent(s) or other guardian(s) who requested placement give consent to the adoption of a child, the Director of Adoption becomes guardian until an adoption order is made. When a child in the continuing custody of a director under the *CFCSA* is placed for adoption, a director under that *Act* retains guardianship until an adoption order is made.

CFCSA
s. 70

Although care and custody of the child is transferred to the prospective adoptive parent(s) on placement, either the Director of Adoption or a director under the *CFCSA* remains guardian of the child and ultimately responsible for the child's well being. The post-placement period is legally an extension of the child's stay in care and, under the *CFCSA* children in care have specific rights that must be honored and actively promoted. The rights of children in care define many aspects of guardianship practice in British Columbia.

While a director retains guardianship of the child, the goal of the post-placement period is to prepare prospective adoptive parent(s) to take over legal guardianship of the child with the granting of the adoption order. The prospective adoptive parent(s) and the child will likely require support and access to services. This is particularly necessary in the adoption of children with special service and placement needs. You will need to monitor the child's progress and, depending on his or her age and past experiences, provide direct support to the child and to the prospective adoptive parent(s) in meeting the child's needs.

Adoption Act
s. 12(1)

It is the responsibility of the prospective adoptive parent(s) to notify the Director of Adoption in writing within 14 days after receiving a child into their home for the purpose of adoption. This confirms their intention to adopt the child. The date of the Notice of Placement identifies the start date of the child's residency with the prospective adoptive parent(s).

Adoption Act
s. 37(7)

An adoption order does not affect any Aboriginal rights that a child has. It is therefore important that prospective adoptive parent(s) of an Aboriginal child are provided with information about the child's status under the *Indian Act* about the child's citizenship with an Aboriginal government.

Adoption Act
s. 35(1)(a)

The court may make an adoption order after the child has resided with the applicant(s) for at least 6 months immediately before the date of the adoption hearing. The decision to complete the adoption or to extend the length of time between placement and legal adoption is made between you, the child and the prospective adoptive parent(s), and is based on the needs of the child and the prospective adoptive family. The Child Welfare League of America (CWLA) *Standards of Excellence for Adoption Services* (2010) states that the post-placement period should not be allowed to go on indefinitely, but that a tentative plan for the expected length should be established and should set an outside limit for the post-placement period.

Many families are ready to complete the adoption within 6 months, but some families, especially those with children with special service or placement needs, may need longer. Where at all possible, adoptions should be completed at the end of the 6-month post-

placement period, and must be completed within 12 months of placement because the permanency of the child is not fully ensured until the adoption is legally completed.

Adoption Act
s. 35(3)

The court may alter or dispense with the residency requirement, and in exceptional circumstances this can be considered. The specifics of such a request should be discussed in advance with Adoption Branch on a case by case basis, as the approval of the Director of Adoption is required.

Guidelines

For direction on your guardianship responsibilities, refer to Practice Standards for Guardianship.

Maintaining regular contact with the child and prospective adoptive family

- Although phone contact is required on the first working day after placement, a first visit is not required until 7 calendar days after placement to enable the child and prospective adoptive family time for an initial adjustment before the child is introduced to another new person.
- If you, the prospective adoptive parent(s) or the child feel the need for earlier face to face contact, visit the child and prospective adoptive family within the home, prior to the required 7 calendar days after placement.
- Caregivers who are adopting a child in their care are eligible for the same post-placement support and contact as other prospective adoptive parent(s).
- After the initial required visit, subsequent contact through home or office visits and telephone calls above and beyond the minimum required will depend on the child's age and needs and the needs of the prospective adoptive parent(s).

When assisting the prospective adoptive family to meet the child's specific needs as described in the comprehensive plan of care completed at the time of proposal:

- establish with the child and prospective adoptive parent(s) a tentative plan which sets an outside limit for the expected length of the post-placement period
- during regular contact with the prospective adoptive family, discuss the following:
 - whether there have been any difficulties in accessing community services to meet the child's needs
 - whether the goals of the comprehensive plan of care are being met
 - the progress of the placement, including:
 - whether the child appears to be adjusting to the family
 - whether family members including children already in the home are having any difficulties adjusting to the child's placement
 - whether the child and family members appear to be developing attachments to one another
 - the child's medical needs and progress toward meeting these needs
 - the child's adjustment to a new school and any difficulties that may have arisen
 - the child's identity, including whether the child seems to understand that they are now part of a new family and whether the child's cultural identity is being preserved according to his or her cultural plan
 - the child's family and social relationships, including whether openness agreements or access orders are being maintained and any difficulties that may have arisen, and review the reasons it is in the child's best interests to have access or openness continue
 - the child's social presentation

- the child's emotional and behavioural development including whether additional work needs to be done to help the child and family begin to attach to one another
- the child's self-care skills
- assess the child's and family's needs
- provide support to the child and family and assist in resolving any problems that have been identified, and
- where appropriate assist the family in accessing any additional community services that may help to meet the child and family's needs.

When consulting with the child about his or her views of the adoption placement:

- refer to Practice Standard 2, and
- if the child is at least 7 years of age and less than 12, and you are ensuring that a report is prepared on the child's view, refer to Practice Standard 60.

A review of the child's comprehensive plan of care is required:

- when a decision has been made to meet the needs of the child and prospective adoptive family by extending the post-placement period, and the court package is not received by Adoption Branch within 9 months of accepting the Notice of Placement
- to assess whether the adoption placement and current comprehensive plan of care are meeting the child's needs, and
- as instructed in Practice Standard 22 of *Practice Standards for Guardianship*

On the first visit after placement:

- meet with the child, assess the child and family's immediate needs and provide support where required
- review the Adoption Placement Agreement with the prospective adoptive parent(s) and assist them with any questions they might have about the agreement or their responsibilities now that they have assumed care of the child
- if the child is Aboriginal and eligible for the extended Health Canada benefits, apply on behalf of the child, using the form on the MSP web site
 - in the case where there is a gap in needed extended health coverage for the child prior to the family receiving post-adoption assistance or Health Canada benefits, consult with your supervisor and Adoption Branch.

During the visit, advise the prospective adoptive parent(s):

- that upon placement they have assumed all costs for the child except for any funding provided through the Post-adoption Assistance Program
- to complete the Notice of Placement within 14 days of the placement after ensuring that the form (CF1023) has been made available to them
- to apply to add the child to their British Columbia Medical Services Plan:
 - using the adoptive name of the child
 - an application form is available on the MSP web site (refer to the Appendix for the MSP web site address)
 - the MSP form requests the child's previous MSP number but the number cannot be provided for reasons of confidentiality, and MSP does not require it
 - to verify the adoption placement they should include a copy of the letter of acknowledgement you will provide them after receiving their notice of placement
- if they are Aboriginal and receive medical coverage through Health Canada, to apply for interim coverage through MSP as Health Canada will not provide coverage for the child until the adoption is completed
- to contact the Public Health Branch to arrange for immunization

- if the child is in the continuing custody of a director under the *CFCSA* they will need to provide the Public Health Nurse with the child's non-identifying Health Passport given to them at the time of placement (refer to Practice Standard 7 regarding confidentiality)
- they may apply for the Child Tax Benefit:
 - using the name they have given the child
 - referring to themselves as "adopting parents"
 - Child Tax Benefits are generally received one month after applicants meet the conditions of eligibility and if they delay in applying, they will be paid retroactively from the month they became eligible, but early application is recommended.

A handout including the above information for prospective adoptive parent(s) during the post-placement period is included in the Appendix.

When negotiating and completing a Post-adoption Assistance Agreement:

- refer to Practice Standard 51 for information on assessing eligibility
- refer to Practice Standard 52 for information on available assistance, and
- refer to Practice Standard 53 for information on negotiating and completing the agreement.

Immediately after accepting the Notice of Placement (CF1023):

- provide prospective adoptive parent(s) with Notice of Placement (CF1023), and when completed, place the original on the (AH) file and forward a copy to Adoption Branch
- acknowledge receipt of the Notice of Placement with the Letter of Acknowledgement of Notice of Placement (see sample letter in the Appendix of *Administrative Procedures and Guidelines for Adoption Services*) and place a copy on the (AH) file, and
- if the birth parent(s) voluntarily planned the adoption under the *Adoption Act* notify their adoption worker that the Notice of Placement has been received, and request that he or she notify the birth parent(s) that the child has been placed.

When providing prospective adoptive parent(s) of an Aboriginal child with information about the child's status under the *Indian Act* or citizenship with an Aboriginal government:

- provide the prospective adoptive parent(s) with one of the following letters found in the Appendix of *Administrative Procedures and Guidelines for Adoption Services*
 - "Child is Registered as a Status Indian or has Citizenship under the Nisga'a Lisims Government - Information for Prospective Adoptive Parents"
 - "Application has been made to Register the Child as a Status Indian or for Citizenship under the Nisga'a Lisims Government - Information for Prospective Adoptive Parents"
- provide prospective adoptive parent(s) with a copy of the "Benefits and Rights of Indian Status" (refer to the Appendix) and a copy of the DIAND publication "Adoption and the Indian Child"
- refer to the DIAND web site for publications about federal services and programs for people registered under the *Indian Act* (refer to Contact Information in the Appendix for the DIAND web site address)
- if the child is a Nisga'a child, refer to the Nisga'a Lisims Government web site (refer to the Appendix for the web site address) to obtain information about the rights and benefits of citizenship for the child, and
- inform Aboriginal prospective adoptive parent(s) who are registered under the *Indian Act* and who are adopting a child who is not entitled to be registered, that after the

adoption order is granted they may apply for the child's status and membership within the prospective adoptive parent(s)' Band.

Additional steps to follow during the post-placement period:

- inform prospective adoptive parent(s) that the child will not automatically inherit from them if they die before the adoption order is granted, and that they can provide for the child by preparing a will, identifying the child by his or her name by adoption, sex, birth date and birth place
- when additional medical reports become available, provide prospective adoptive parent(s) with two copies, one for themselves and one to give to their medical practitioner, ensuring that identifying information has been removed from the reports unless the child knows his or her name (refer to Practice Standard 7)
- record the child's social, emotional and physical development in the (AH) file
- record the development of the parent-child relationship
- where any openness agreements were not completed prior to placement, contact the adoption worker providing adoption services to the birth parent(s) or workers providing services to any other participants in an openness agreement and co-ordinate the completion of the agreements before the adoption order is granted (refer to Practice Standard 14)
- complete the Recommendation for Child Tax Benefit letter (refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for a sample letter):
 - send the letter to the address provided on the form
 - place a copy of the letter on the (AH) file.

If the prospective adoptive parent(s) wish to travel with the child outside British Columbia

If a child is to leave the province for an extended visit or is to be taken out of the country, you must obtain the prior approval of your regional manager responsible for adoption:

- prepare a letter requesting approval from your regional manager responsible for adoption and confirming:
 - that you have consulted with the child, if appropriate, and with the prospective adoptive parent(s) and have determined that the trip is in the child's best interests
 - the child's medical needs, if any, and how these will be met in the other country
 - that medical insurance for the child has been arranged, and
 - that you have provided the prospective adoptive parent(s) with details of how you can be contacted and the after-hours number in case of an emergency.

In addition, if the child is travelling to the United States:

- when requested, give prospective adoptive parent(s) travelling to the United States the Border Crossing Letter of Permission (see the Appendix of *Administrative Procedures and Guidelines for Adoption Services*)

In addition, if the child requires a passport to travel:

- if prospective adoptive parent(s) require a passport for the child before the adoption order is granted:
 - prepare a letter to the Chief Passport Officer setting out the identification particulars of the child and confirming the child's placement with the prospective adoptive parent(s) (refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for a sample Passport Letter for the Child to be Adopted)
 - if the child is in the continuing custody of a director under the *CFCSA* obtain the signature of the Director of Child Protection on the letter recommending a passport be issued

- if the child is in care by adoption consent, obtain the signature of both the Director of Adoption and the Director of Child Protection on the letter
- if the child was voluntarily placed under the *Adoption Act* do not provide authorization until the birth mother's 30-day revocation period has passed, and obtain the signature of the Director of Adoption on the letter of authorization.

When ensuring that written notice of the application for an adoption order is provided to any person with access to the child

While it is the responsibility of the child's placing worker to deal with any issues related to access, preferably prior to placement, it is your responsibility to ensure that notice has been provided to any person with access at least 30 days before the date set for hearing an application for an adoption order.

When outstanding issues around access still exist:

- whenever possible, an application to vary or terminate an order for access should be dealt with as a *CFCSA* proceeding, prior to the application to court for an adoption order, rather than joined as an application to the Supreme Court in an adoption hearing
 - where appropriate, request that the child's placing worker obtain consent, if possible to terminate the access order in favour of an openness agreement
 - request that the child's placing worker forward to you any copies of orders made to vary or terminate access
- to ensure stability for the child, request that the child's placing worker provide written notice to any person with access well in advance of the required 30 days before the date set for the hearing, and forward to you a copy of the notice, with proof that it was provided
- if access is contested or not terminated, contact Adoption Branch for assistance in obtaining legal advice.

For more information on providing notice, refer to Practice Standard 20.

When determining when to complete the adoption, consider the following:

- the extent of the post-placement period is based on the needs of the child and prospective adoptive family
- all attempts should be made to complete the adoption at the conclusion of the 6 months residency required by the *Adoption Act*
- it is a requirement that the adoption be completed within 12 months of placement because the permanency of a child is not fully ensured until the adoption is legally completed.

Shortening or dispensing with the residency period

- If the prospective adoptive parent(s) request that the length of the residency period be shortened or dispensed with, and you believe it is in the child's best interests:
 - the approval of the Director of Adoption is required
 - the criteria for shortening or dispensing with the residency period are:
 - the prospective adoptive parent(s) will be moving to another province prior to the completion of the 6 month residency period, or
 - there are extenuating circumstances.
- If prospective adoptive parent(s) will be moving to another province prior to the completion of the 6 month residency period, discuss with them their alternatives:
 - requesting the Director's approval to alter the length of the residency period, or
 - completing the adoption as required in the new province (refer to Practice Standard 67).

Adoption Act
s. 35(1)(a)

- If there are extenuating circumstances, contact Adoption Branch prior to completing the court package to advise of the extenuating circumstances and to determine what information is required to request the Director's approval.

Extending the residency period

- If the child or prospective adoptive parent(s) request that the length of the post-placement period be extended beyond 6 months:
 - identify the reasons the child or family wishes to delay the completion
 - determine if it is the child's best interests to delay the completion.
- If you have determined that it is in the child's best interests to extend the post-placement period:
 - support the child and family in resolving any issues that have been identified
 - when the child and family are ready, proceed with the adoption completion, and
 - if the post-placement period extends beyond 9 months, a review of the child's comprehensive plan of care is required.

At the conclusion of the post-placement period, in preparation for adoption completion:

- prepare and assemble documents for court (see Practice Standard 59)
- arrange for a final visit with the child and prospective adoptive parent(s) to:
 - gather information and record the child's development and the child and family's adjustment as necessary to complete the Summary Recording (see Practice Standard 61)
 - obtain the signatures of the prospective adoptive parent(s) on the required documents for court (see Practice Standard 59), and
 - if the child has no special service needs as defined in the *Adoption Regulations* (refer to Practice Standard 24), collect the Supreme Court fees from the prospective adoptive parent(s) (refer to *Administrative Procedures and Guidelines for Adoption Services* instruction on collecting and processing fees).

PRACTICE STANDARD 58

**Responsibilities of the Prospective Adoptive Parent(s)
Adoption Worker when an Adoption Disrupts or when Reportable
Circumstances Occur During the Post-placement Period**

During the post-placement period, when there is a risk that an adoption may disrupt, you must:

- consult with the child
- consult with the prospective adoptive parent(s)
- consult with your supervisor/team leader
- determine whether it is in the child's best interests to proceed with the adoption placement, and
- where it is in the child's best interests to proceed with the adoption placement and where prospective adoptive parent(s) are in agreement, initiate intensive services to prevent the disruption.

When an adoption disrupts, you must:

- inform and consult with your supervisor/team leader
- if on the rare occasion that the disruption involves one or more children in a sibling group but does not involve all members of the sibling group, obtain authorization from your regional manager responsible for adoption to separate siblings
- assume planning for the child
- notify, in writing, your regional manager responsible for adoption and the Director of Adoption, and
- request that the adoption worker for birth parent(s) who consented to the child's adoption under the *Adoption Act* make reasonable efforts to notify the birth parent(s) unless they have indicated in writing that they do not wish to be notified.

During the post-placement period, if a reportable circumstance as defined in Guardianship Practice Standard 13 occurs, you must:

- meet all requirements of that standard
- if the child is in the care of the Director of Adoption, provide a copy of the required report to the Director of Adoption, and
- unless birth parent(s) who consented under the *Adoption Act* have indicated in writing that they do not wish to be notified, inform their adoption worker and request that the worker notify the birth parent(s) in the case of:
 - the child's death, or
 - a serious injury or condition that may result in the child's death or may cause serious or permanent impairment of the child's health.

If you are informed that the child 12 years of age or over, wishes to revoke his or her consent, or that a birth mother has revoked her consent after the child has been placed for adoption, you must meet the relevant requirements of Practice Standard 42.

Commentary

Throughout the post-placement period, the child and the prospective adoptive parent(s) are learning to adjust to one another and to their new relationship together as a family. The great majority of adoption placements are successfully completed and the child attains permanence as part of an adoptive family; however sometimes during the post-placement period the prospective adoptive family and child encounter serious difficulties and may have doubts about the adoption plan. According to the Child Welfare League of America (CWLA) *Standards of Excellence for Adoption Services (2006)*, children and families experiencing difficulties may require intensive services to ensure that the child and family successfully continue the adoption. Unfortunately, in some circumstances these services are not enough. The child and family are unable to adjust to their new relationship and the post-placement period does not continue through to the adoption completion. According to the CWLA, the term *disruption* refers to the unplanned termination of an adoptive placement prior to the legal completion of the adoption.

Any decision to remove a child from a prospective adoptive family carries significant consequences for the child, and all decisions should be made with care and thought. The consequences of a disruption for the child are both short and long term. When a disruption cannot be avoided through support services, continued support to the child and to the prospective adoptive family can help to minimize the long-term impact of the experience.

If a child dies or is seriously injured during the post-placement period or any other reportable circumstance occurs as defined in Guardianship Practice Standard 13, it is your responsibility to inform the Director of Child Protection. If the child is in care under the *Adoption Act* the Director of Adoption is also informed. While you have been delegated to carry out a number of guardianship duties and responsibilities, both Directors are ultimately responsible for the children in their care, and they are advised when any serious incidents occur affecting a child's safety and well being.

Guidelines

If you are informed of a potential disruption due to a legal risk

If a legal risk to the adoption placement emerges, such as a non-consenting birth father coming forward or an application to rescind a continuing custody order, contact Adoption Branch to arrange consultation with Legal Services Branch.

When there is a risk that an adoption may disrupt:

- consult with the child as required in Practice Standard 2
- discuss the following with the child and prospective adoptive parent(s), both separately and together:
 - whether a serious incident involving the child has occurred, and if you believe the child may not be safe with the prospective adoptive parent(s) follow the direction below
 - their views about continuing the adoption placement
 - whether the child's or prospective adoptive parent(s)' complaints or conflicts with each other are resolvable
 - whether there are significant stresses on the adoptive family that can be reduced by providing support services
- consult with your supervisor/team leader, and
- determine whether it is in the child's best interests to proceed with the adoption placement and whether prospective adoptive parent(s) are in agreement with proceeding.

Initiating intensive services to prevent the disruption includes:

- increasing the frequency of visits and phone contact with the child and prospective adoptive family
- providing support to the child and prospective adoptive family in a timely manner in resolving issues, complaints or concerns that may have come between them
- assessing the family's need for:
 - adoption support through community groups or through linkage with experienced adoptive families
 - adoption sensitive family counselling
 - respite
 - parenting programs or other training, and
- where eligible, entering into a Post-adoption Assistance Agreement with the family or modifying an existing agreement to assist with services.

Unless there are serious risks to the child's health and well being, a decision to end the adoption placement before completion should be made:

- after consultation involving the child, the prospective adoptive parent(s), you and your supervisor/team leader
- only after the intensive provision of support services, and
- where there appear to be no other alternatives.

When disruption of the placement is being considered for one or more but not all of the children within a sibling group:

- consult with your supervisor/team leader
- review each child's comprehensive plan of care
- involve one of the following to solely represent the views and interests of the child or children whose removal is being anticipated:
 - the child's/children's former worker(s), even if it involves travel on the part of the worker(s)
 - another guardianship worker within your region
 - the office of the Child, Youth and Family Advocate
- consider removing all children within the sibling group with a view to identifying a placement that can meet the needs of all of the children
- if you have determined that separation of the siblings is in the best interests of one or more of the children:
 - obtain authorization from your regional manager responsible for adoption, to place the children separately (refer to Practice Standard 21), and
 - ensure that the emotional needs of all of the children are attended to and where appropriate that they are provided with counselling to help them to deal with the separation, and
 - develop a plan for the siblings to maintain contact.

When an adoption disrupts:

- inform and consult with your supervisor/team leader
- assume responsibility for planning for the child
 - prepare the child for the move and actively support the child
 - provide an explanation to the child of why the move is necessary
 - where at all possible and in the child's best interests, encourage the prospective adoptive parent(s) to keep the child in their care until another plan is developed for the child

- ensure that the child's emotional needs are attended to and assess his or her need for counselling services to help understand the reason the adoption placement disrupted, and to assist in determining the child's readiness for another adoption placement
- where appropriate access counselling services for the child
- review the child's comprehensive plan of care
- if a child must be removed from the prospective adoptive parent(s)' home against the prospective adoptive parent(s)' wishes, your regional manager responsible for adoption authorizes the removal of the child and informs the Director of Adoption of the action being taken
 - assess the prospective adoptive parent(s) need for support and/or counselling and where appropriate provide support and/or referral to community services
- report the circumstances in writing to your regional manager responsible for adoption:
 - address in the report further planning for the child
 - provide a recommendation whether the prospective adoptive parent(s) should be reassessed for another placement
 - send a copy of the report to the Director of Adoption
- inform the adoption worker providing adoption services to birth parent(s) who consented to the child's adoption, and request that he or she notify the birth parent(s), unless they indicated in writing that they did not wish to be notified of a disruption, and
- advise the Public Guardian and Trustee of B.C. that the adoption has not proceeded.

When issues are identified that indicate the child may not be safe with the prospective adoptive parent(s):

- take any immediate action to ensure the safety of the child
- advise and consult with your supervisor/team leader about your action
- within 24 hours, provide a written report of the circumstances as required in Guardianship Practice Standard 13 and meet all requirements of that standard (use the Critical Incidence template on MCF Connect - Intranet)
- if the child is in the care of the Director of Adoption, provide a copy of the required report to the Director of Adoption, and
- depending on the circumstances of the placement, decide in consultation with your supervisor/team leader whether the birth parent(s) should be informed of the protection concerns.

When a child dies or has a serious illness or injury:

- consult with your supervisor/team leader who will notify your regional manager responsible for adoption
- if there are suspicious circumstances around the death or injury, notify the local law enforcement agency
- within 24 hours, provide a written report of the circumstances as required in Guardianship Practice Standard 13, and meet all requirements of that standard
- if the child is in the guardianship of the Director of Adoption, provide a copy of the required report to the Director of Adoption
- unless birth parent(s) who consented under the *Adoption Act* have indicated in writing that they did not wish to be notified, inform their adoption worker and request that they notify the birth parent(s):
 - of the child's death
 - of the child's serious injury or condition that may result in the child's death or may cause serious or permanent impairment of the child's health

- if the child is in the guardianship of a director under the *CFCSA*, consult with your supervisor/team leader about who should be informed, which may include any of the following:
 - the child's previous caregivers
 - the birth parent(s) or other relatives
 - any other person who had a significant relationship with the child, including siblings and caregivers, and
 - if the child is Aboriginal, the child's Aboriginal community.

CHAPTER 9:

Adoption Completion

The completion of an adoption is an important step in achieving permanence for a child. The tasks in completing the adoption can begin once it is determined that the child and prospective adoptive family are ready for the adoption. The details of how the determination is made are provided in Chapter 8.

This chapter describes the documents and reports necessary to inform the Director of Adoption and the court about the readiness of the child and the prospective adoptive parent(s) for the adoption to be completed. It also includes the requirements for distributing the adoption order and providing notification of the adoption.

In addition this chapter describes your responsibilities when the Director of Adoption is requested by the court to complete a report for a step-parent, relative or adult adoption and in cases when an adoption under article 27 of the Hague Convention is converted to an adoption under the *Adoption Act*. Other than preparing a court-ordered report when requested, the ministry has no role in these adoptions.

PRACTICE STANDARD 59

Preparing and Assembling the Required Documents for Adoption Completion for Ministry Arranged Adoptions

At the conclusion of the post-placement period, you must:

- prepare the following required documents for the court package:
 - the Praecipe
 - the Affidavit
 - the Birth Parent Expenses Affidavit
 - the Post-placement Report
 - the Summary Recording
 - documentation to amend the birth registration
 - an application on behalf of the prospective adoptive parent(s) for the child's birth certificate in the child's name by adoption
 - the adoption order
- gather the following additional required documents for the court package:
 - where applicable, a certified copy of the continuing custody order or of the permanent order if the child is in the permanent care of an extra-provincial child welfare authority
 - where applicable, an order to dispense with notice to the birth father or an application to dispense with this notice
 - all required consents or orders dispensing with consent
 - a certified copy of the child's birth registration or, if it cannot be obtained, satisfactory evidence of the facts related to the child's birth
 - if the child is at least 7 years of age and less than 12, a copy of the report of the child's views, and
 - where applicable, copies of any access orders or orders to terminate an access order
- obtain your supervisor's/team leader's approval of the above court package prior to forwarding it to Adoption Branch for adoption completion.

Commentary

Adoption Act
s. 32

This standard identifies the documents required to complete the adoption at the conclusion of the post-placement period. The *Adoption Act* requires that the following be filed with the court:

- all required consents or orders dispensing with consent or applications to dispense with consent
- the child's birth registration or, if it cannot be obtained, satisfactory evidence of the facts related to the child's birth
- if the child is at least 7 years of age and less than 12, a copy of the report of the child's views, and
- any additional documents required by the regulations.

Adoption Act
s. 33

In addition, a post-placement report must be filed with the court when the ministry has placed a child for adoption.

Adoption Reg.
s. 17

The *Adoption Regulations* requires that the Birth Parent Expense Affidavit be filed with the court.

It is your responsibility to gather and prepare any documents required to complete the adoption. Any changes in legal documents must be initialed by all the signatories to the document. If this is not possible, the issue is addressed in the Post-placement Report.

Guidelines

For information regarding your role during the post-placement period, refer to Chapter 8.

Refer to Administrative Procedures and Guidelines for Adoption Services for instructions on the preparation of documents.

Review the following documentation on the file

The following documents are not included in the court package but support the application for the adoption order:

- the death certificate, where a required consent has not been obtained due to the death of a birth parent or guardian, and
- the Notice of Placement (CF1023).

Near the end of the post-placement period, prepare and have the prospective adoptive parent(s) sign the following documents:

- an Affidavit in Support of an Application (CF1006) for each child to be adopted
- the Birth Parent Expenses Affidavit (CF2720) for each child to be adopted, and
- documentation to request a Birth Certificate/or Statement Respecting Particulars of Birth, for each child to be adopted, in the child's name by adoption:
 - for a child born in British Columbia, complete an Application for Birth (VSA430s)
 - for a child born in another Canadian province or territory or the United States, do not complete the Application for Birth (VSA430s):
 - the Vital Statistics Agency is not able to issue a Birth Certificate in these cases, but forwards a copy of the adoption order upon completion to the other province or state so that they can amend their birth records
 - see Practice Standard 64 for information on applying for a Birth Certificate in these cases after the order is granted, and
 - for a child born in a country other than Canada or the USA, complete the Application for Birth (VSA430s) but cross out "Birth Certificate" and replace it with "Statement Respecting Particulars of Birth."

Prepare the following additional documents:

- the Praeipie (CF1001), which is an application to the court for the adoption order and which can be modified:
 - to include more than one child
 - to include an additional paragraph when an application to dispense with notice to the birth father is being made at the time of the application for the adoption order (refer to Practice Standard 32)
 - to include an additional paragraph when an application to dispense with a consent is being made at the time of the application for the adoption order (refer to Practice Standard 41)
- the consent of the Director of Adoption (CF2655) for children voluntarily placed for adoption under the *Adoption Act*
 - the Director of Adoption will sign the consent when the court package is received in Victoria

- when the Director of Adoption is delegated by a director under the *CFCSA* to sign consent for children in continuing custody under that act, the consent will be prepared by Adoption Branch
- documentation to amend the child's birth record:
 - for a child born in British Columbia, complete the Identification Particulars of an Adopted Child (HLTH433) which provides the Vital Statistics Agency with the information required to change the child's birth record
 - for a child born in another Canadian province or territory or the United States, complete the Identification Particulars of an Adopted Child (HLTH433) which enables the Vital Statistics Agency to issue a Statement Respecting Particulars of Birth and also to provide information to other jurisdictions so they can amend their birth records
 - for a child born in a country other than Canada or the USA, complete the Identification Particulars of Adopted Child (HLTH433) which provides the Vital Statistics Agency with the information required to change the child's birth record
- an adoption order (CF1005) for each child to be adopted
- the Post-placement Report (see Practice Standard 62)
- the Summary Recording (see Practice Standard 61), and
- a covering letter to the court listing the documents and requesting the court to send a certified copy of the adoption order to the Vital Statistics Agency, Adoption Branch and the district office.

Gather the following additional documents:

- a certified copy of the child's Registration of Live Birth
- an order to dispense with notice to the birth father, where applicable
- all required consents that have been obtained, as set out in section 13 of the *Adoption Act* (refer to Practice Standard 39)
- if a consent has not been obtained, any order made to dispense with consent (refer to Practice Standard 41)
- a certified copy of the continuing custody order if the adoption is of a child in the continuing custody of a director under the *CFCSA* or a certified copy of the permanent order if the child is in care of a provincial or territorial child welfare authority
- where applicable, a copy of any existing access order and any applications to vary, rescind or continue an order (these do not have to be certified), and
- the Report on a Younger Child's Views, if the child is at least 7 years of age and less than 12 (refer to Practice Standard 60).

Steps to follow when you have prepared and gathered all the required documents

1. Make a copy of each document and place the copies on the (AH) file.
2. Assemble all of the documents except for the Summary Recording, in the order specified in the covering letter and place the covering letter on top of the court package.
3. Attach to the court package:
 - the Summary Recording, and
 - if the child has no special service needs as defined in the *Adoption Regulation* (refer to Practice Standard 24), a photocopy of the Public Money Received Transmittal Record (CF0020) acknowledging receipt of the prospective adoptive parent(s)' court fee.
4. Review the package.
5. Request that your supervisor/team leader approve the package.

6. Forward the package to Adoption Branch.

Once Adoption Branch receives the package:

- your regional consultant in Adoption Branch will review the package for errors or omissions and will either correct the errors or if necessary return the package to you to correct
- the Director of Adoption:
 - signs the Director's consent to adoption
 - reviews the Summary Recording
 - signs the Post-placement Report if the requirements of the *Adoption Act* have been met and there is sufficient information to recommend making an order
- Adoption Branch forwards the court package to the Supreme Court Registry in Victoria and forwards a copy of the signed Post-placement Report to the district office to place on the (AH) file.

PRACTICE STANDARD 60

Preparing the Report on a Younger Child's Views

After a child who is at least 7 and less than 12 years of age has been placed for adoption and before applying to the court for an adoption order, you must privately interview the child, so that the child's views on the adoption can be heard and recorded.

When conducting the interview and writing the Report on a Younger Child's Views, you must:

- determine the child's views and understanding of the following:
 - the effect and meaning of adoption
 - the proposed adoption and any proposed change of the child's name
 - relationships with other persons who are significant in the child's life
 - where applicable, how his or her racial, cultural, linguistic and spiritual identity can be maintained
- provide the above information within the report and in addition include:
 - your name and occupation
 - confirmation that you met with the child at a place and in a manner that allowed the child to freely express his or her views about the adoption
 - identifying information about the child and the prospective adoptive parent(s), and particulars respecting the interview, and
- obtain your supervisor's/team leader's approval and signature on the report.

You must submit the report to the court when applying for an adoption order.

Commentary

Adoption Reg.
s. 16

The written Report on a Younger Child's Views addresses the information required by the *Adoption Regulation*. The report is written after the child is placed for adoption and prior to completion, and is submitted to court as a part of the court package when application is made for an adoption order.

Adoption Reg.
s. 16(1)

When prospective adoptive parent(s) who are not already receiving adoption services from the ministry request that you conduct the interview and write the report, it is preferable to refer them to another party authorized to provide this service under the *Regulation*. The following persons are authorized to conduct the interview and write the report:

- a social worker delegated under the *Adoption Act* and employed by the ministry
- a social worker approved for adoption work and employed by a licensed B.C. adoption agency
- a registered psychiatrist
- a registered psychologist

If no agency or authorized person is available in your community, and if the operational requirements of your district office permit, you may provide the service for prospective adoptive parent(s) who are not already receiving adoption services from the ministry.

Guidelines

Before interviewing the child:

- when you are already providing adoption services to the prospective adoptive parent(s):
 - provide this service on the existing (AH) file
 - when someone other than a ministry worker interviews the child, obtain the original report to submit to the court in the court package
- when the interview and report are the only services you are providing to the applicants and/or when the interview and report are a court-ordered request for service:
 - advise the applicants or their lawyer that once you file the report with the court, a copy will be sent to them upon request
 - open an (AH) file to provide service
- collect the fee for service, unless the child is in the continuing custody of a director under the *CFCSA* or comes within the definition of sections 26 (a), (b) and (c) of the *Adoption Regulation* in which case there is no fee (refer to Practice Standard 11).

When determining the child's views:

- meet with the child face to face and privately in a place and manner that allows the child to freely express his or her views about the adoption
- refer to Practice Standard 2 for direction when consulting with the child according to his or her capabilities
- obtain the child's views and understanding of the information required by section 16(2) of the *Adoption Regulation* (refer to the outline below)
- if the child's views are unclear or ambivalent:
 - consult with your supervisor/team leader
 - it is your supervisor's/team leader's responsibility to ensure that when the child is interviewed, he or she is approached from an unbiased and child-centred point of view
 - your supervisor/team leader may determine that the child's views are best expressed to another person, and may request that another person authorized by the *Adoption Regulation* undertake the interview and write the report
- if the child indicates that he or she does not wish to express any views about the proposed adoption:
 - consult with your supervisor/team leader
 - wherever possible, ensure that another person authorized by the *Adoption Regulation* attempts to interview the child, and
 - when the child is still reticent, complete the report outlining the child's unwillingness to express his or her views
- if the child indicates that he or she does not wish to be adopted:
 - consult with your supervisor/team leader as to how this information can be provided to the prospective adoptive parent(s) in a way that is supportive of the child
 - review the adoption plan and do not proceed with adoption completion until the child expresses a desire to be adopted.

If you believe the child may be at risk

- If the child is in the guardianship of a director under the *CFCSA* or the Director of Adoption
 - take any immediate action to ensure the safety of the child
 - advise and consult with your supervisor/team leader about your action

- refer to Practice Standard 58 for direction in meeting the requirements when a reportable circumstance occurs during the post-placement period.
- If the child is not in the guardianship of either director, refer the matter directly to a person delegated under the *CFCSA* to determine if the child may be in need of protection.

Using the following guidelines, prepare a written Report on a Younger Child's Views

Refer to the sample report in the Appendix of *Administrative Procedures and Guidelines for Adoption Services*

1. Information about the interview

Begin the report with the following information:

- the child's full legal name by birth
- the child's proposed name by adoption
- the child's date of birth
- the full legal name of each prospective adoptive parent
- the name and occupation of the person authorized by section 16 of the *Adoption Regulation* to meet with the child and write the report
- the date(s) and place where the child was interviewed, indicating whether the interview was held in private, and
- confirmation that an interpreter was present if language or a disability was a barrier in interviewing the child for the purpose of the report.

2. The child's understanding of adoption

Indicate if the child appears to have an age-appropriate, accurate understanding of the meaning and effect of adoption, including:

- that adoption is lifelong and that the prospective parent(s)' home is intended to be permanent
- that adoption is a legal process by which the child becomes the child of the adoptive parent(s) and the adoptive parent(s) become the parent(s) of the child
- that adoption legally terminates the child's birth parent(s)' or guardian's parental rights and responsibilities to the child, and
- if the child was in the continuing custody of a director under the *CFCSA* adoption terminates the director's guardianship of the child.

3. The child's views on the proposed adoption

Provide a summation of the child's understanding of adoption and his or her views on the proposed adoption, including:

- a statement of whether the child expresses a desire to be adopted and if not, why, and
- the child's views on any proposed change of his or her given names or family name.

4. The child's views of his or her relationships with other persons

Describe the child's views about:

- the extent of his or her ongoing relationships with significant persons, such as birth parent(s), birth sibling(s), extended birth family or caregiver(s)
- maintaining those relationships, and
- his or her relationship with the prospective adoptive parent(s), prospective adoptive sibling(s) and prospective adoptive family members.

5. When applicable, the child's views on how his or her racial, cultural, linguistic and spiritual identity can be maintained

Describe the child's views on his or her racial, cultural, linguistic and spiritual identity including:

- how his or her unique cultural identity affects and contributes to the child's sense of identity and feelings of belonging, and
- culturally specific activities in which the child wishes to participate, such as traditional customs and ceremonial activities that are unique to the child's community.

Steps upon completion of the Report on a Younger Child's Views

1. Sign the report.
2. Obtain your supervisor's/team leader's signature on the report.
3. Include the original report in the court package (see Practice Standard 59).
4. Place a copy of the report on the (AH) file.
5. When this is the only service you are providing, after the report has been filed with the court, and if requested, forward the completed report to the lawyer for the prospective adoptive parent(s) and close the (AH) file.

PRACTICE STANDARD 61

Preparing the Summary Recording

Before completing the Summary Recording, you must complete a current prior contact check on the prospective adoptive parent(s).

To assist the Director of Adoption in making a recommendation to the court as to whether an adoption order should be made, you must prepare a Summary Recording containing:

- the observations, assessments and facts upon which the Post-placement Report is established, and
- information as to whether the requirements of the *Adoption Act* have been met.

Commentary

The Summary Recording provides information for the Director of Adoption confirming that the requirements of the *Adoption Act* have been met and expands on the information provided in the Post-placement Report. Before completing the Summary Recording, a current prior contact check on the prospective adoptive parent(s) is completed to ensure that no protection concerns have arisen since placement.

The Summary Recording is not sent to the court as a part of the court package. It is not necessary to repeat in the Summary Recording information you have provided in the Post-placement Report, nor is it necessary to refer to documents included in the court package.

Guidelines

Refer to the Appendix A Administrative Procedures and Guidelines for Adoption Services for a sample Summary Recording.

When completing the prior contact check:

- for steps in assessing the results of a prior contact check, refer to Practice Standard 41
- include a check to determine if there have been any protocol investigations, and
- if the results indicate that a protection concern has arisen since placement, consult with your supervisor/team leader and your regional manager responsible for adoption.

Prepare a written Summary Recording according to the following guidelines:

1. Pre-placement requirements of the Adoption Act

(a) Describe when and how the pre-placement requirements of section 6 of the *Act* were met prior to placement by including the following:

- confirmation that the prospective adoptive parent(s)' homestudy (family assessment/education component) was approved in accordance with the *Adoption Regulation* including:
 - the date, within 9 months of placement, that the criminal record search was completed and the results of the search
 - the dates the prior contact checks were completed and the results of the checks
- the approximate date the child's Birth Family Medical and Social History was obtained, indicating who was interviewed to obtain the information and identifying any other sources of information; provide an explanation if only one birth parent was interviewed
- the approximate date the prospective adoptive parent(s) received the child's Birth Family Medical and Social History

- the approximate date that the child, if sufficiently mature, was counseled about the meaning and effects of adoption
- if any pre-placement requirements were not met, the efforts made to meet them or the reasons they could not be met, and
- if the child is in the care of a director pursuant to section 29 of the *Family Relations Act* that any living birth parent(s) were notified to involve them in adoption planning.

In addition, when birth parent(s) have requested placement under the *Adoption Act* include the following:

- the approximate date birth parent(s) were counselled about their alternatives to adoption and were provided information about adoption
- that birth parent(s) selected prospective adoptive parent(s) by viewing approved written family assessments
- the dates the Birth Fathers' Registry was searched
- when a required consent has not been obtained:
 - if the birth father is unknown or unnamed:
 - provide enough information to establish that you have tried to involve the birth father and attempted to gather information on the nature and duration of the relationship, and
 - confirm that the birth mother has been counseled on the risks and future impact this will have on the child and possibly on the granting of the adoption order
 - if a birth father has been successfully notified and he does not acknowledge paternity, or does not respond to the notification:
 - the date notice of the proposed adoption was given to anyone named by the birth mother as the child's birth father, and
 - the date notice of the proposed adoption was given to anyone registered on the Birth Fathers' Registry.

(b) Provide information as to when and how the pre-placement requirements of section 7 of the *Act* were met prior to placement of an Aboriginal child by confirming that reasonable efforts were made to discuss the child's placement, (and, if successful, the results of the discussions) with a designated representative of:

- the Band, if the child is registered or entitled to be registered as a member of an Indian Band
- an Aboriginal community that has been identified by the child (if 12 years of age or over) or by the birth parent(s) of the child (if the child is under 12 years of age), or
- the Nisga'a Lisims Government if the child is a Nisga'a child.

2. Describe the physical and social development of the child to be adopted

- Unless the views of the child are included in an attached report as required in Practice Standard 60, describe the child's views about the proposed adoption (refer to Practice Standard 2 when consulting with the child and considering the child's views).
- If the child has no special service or placement needs, the description of the child's physical and social development can be brief.
- If the child has special service or placement needs, describe these special needs and how the prospective adoptive parent(s) are meeting them.
- Include the nature of the child's relationship with the prospective adoptive parent(s).
- Establish the racial and cultural heritage of the child.
- If the child has been placed with prospective adoptive parent(s) of a different race and culture, describe how the prospective adoptive parent(s) are meeting or propose to meet the child's need for identity, pride and respect for his or her racial and cultural heritage.

- Provide confirmation that the requirements to obtain approval for the following exceptions were met, if applicable:
 - if an Aboriginal child is placed with a non-Aboriginal family
 - if a sibling is not placed in the home of another sibling.

3. Describe how the prospective adoptive parent(s) have adjusted to the addition of the child to the family

- If the child and the prospective adoptive parent(s) are related, state the relationship.
- Include any post-placement changes to the prospective adoptive parent(s)' circumstances that are relevant to their ability to protect, nurture and care for the child.

4. Describe the adjustment of other children in the home and how the relationship has developed between them and the child to be adopted

5. Describe the child's relationship with birth parent(s) or other individual(s), including information about access orders

- If there is an openness agreement, describe the prospective adoptive parent(s)' understanding of, comfort and commitment to it.
- If there is an access order, or de facto access, describe:
 - the access order
 - the access history: whether the birth parent(s) have ever exercised access regardless of whether there was an access order or made any applications to the court regarding access
 - the reasons you plan to recommend that the access order continue, vary or terminate
 - the prospective adoptive parent(s)' understanding and comfort level with the access order
 - the child's wishes with respect to the access order and the potential impact of the access order on the child's well being, and
 - the potential impact of the access order on the family.

6. Post-adoption supports

- Describe any potential long-term needs of the child and the prospective adoptive parent(s)' plan and capacity to meet these needs.
- Confirm that the prospective adoptive parent(s) have been made aware of ministry post-placement services, if applicable, and in particular the Post-adoption Assistance Program.

7. Assessment of the placement

- Conclude with an assessment of the strengths and limitations of the child's placement with the prospective adoptive parent(s) and an assessment and description of the preparedness of the family members to proceed with the adoption.
- Include any additional information not included in the Post-placement Report that supports your specific recommendations in that report.

Steps upon completion of the Summary Recording:

1. Sign the report and have your supervisor/team leader sign and date the report.
2. Forward the completed Summary Recording, with the court package, to Adoption Branch (see Practice Standard 59).
3. Place a copy of the report on the (AH) file.

PRACTICE STANDARD 62

Preparing the Post-placement Report for Ministry Arranged Adoptions

At the conclusion of the post-placement period, you must prepare a written report for filing with the court which provides all essential information necessary to enable the court to determine if granting the adoption order is in the best interests of the child, and which contains the following:

- the child's full name and birth date as recorded on his or her Registration of Live Birth
- the date the child was placed with the prospective adoptive parent(s)
- unless the child was voluntarily placed under the *Adoption Act* information about the legal status of the child
- confirmation that the required consents have been obtained or an explanation as to why a required consent was not obtained
- where applicable, information about any discrepancies in the documents in the court package
- the child's placement history
- if there is an existing access order:
 - confirmation that written notice was provided to any person who has access rights to the child by court order or by an agreement under the *Family Relations Act* and
 - any information or views that may be helpful to the court in determining whether an access order should continue, vary or be terminated in accordance with the best interests of the child
- information about the applicant(s)
- confirmation as to whether the following requirements of the *Adoption Act* were met:
 - for all adoptions, section 6
 - for Aboriginal children, sections 3(2) and 7
- a recommendation from the Director of Adoption:
 - that an adoption order be granted
 - about any issue related to the adoption, including whether to:
 - continue, vary or terminate an access order, and/or
 - alter or dispense with the 6 month residency requirement.

You must ensure that the Post-placement Report is current, and if the report is filed with the court more than 3 months after its completion, a written certificate is required to confirm or modify the report.

Commentary

Adoption Act
s. 33
Adoption Reg.
s. 18

The *Adoption Act* requires that a post-placement report be filed with the court when a child has been placed for adoption, and the *Adoption Regulation* outlines what must be considered and included in the written report. In addition, the Supreme Court has issued a "Family Law Practice Directive" outlining required information to be provided to the court (available on the B.C. Courts' web site at: <www.courts.gov.bc.ca/Sc/sc-main.htm>; click on "Notices and Practice Directions").

Adoption Act
s. 35

The *Act* requires that the post placement report be current at the time the adoption application is heard by the court. If the report is more than 3 months old on the date of the hearing, a written certificate is required to confirm or modify the report. Practice Standard 57

requires that you complete the adoption wherever possible at the conclusion of the 6 month residency period, and within 12 months of placement. Where a written certificate is required because a report is filed with the court more than 3 months after it is completed, the time of filing for the adoption hearing must still be within 12 months after placement.

The Post-placement Report is based on the Summary Recording (refer to Practice Standard 61) and includes information confirming that the requirements of the *Adoption Act* and the *Adoption Regulation* have been met. It is one of the documents for the court package as outlined in Practice Standard 59.

This standard provides guidelines for preparing the Post-placement Report at the time of adoption completion, including Post-placement Reports for children in the continuing custody of a director under the *CFCSA* and for children voluntarily placed through the ministry under the *Adoption Act*

When responding to an order from the court to complete a report, refer to Practice Standard 63.

Your role is to recommend that the adoption be put forward for legal completion when you have determined:

- that the prospective adoptive parent(s) are ready for completion and the child's development and adjustment in the family are generally satisfactory, and
- that the family is able and prepared to cope with any stresses or difficulties that may exist.

It is extremely important to ensure that information provided to the court is accurate and timely:

- if the court has questions, it may request confirmation of the information provided, and
- the validity of the recommendation to the court, which is the responsibility of the Director of Adoption, is dependent on the information provided in the Summary Recording and Post-placement Report.

Guidelines

Prior to completion of the Post-placement Report:

- advise prospective adoptive parent(s) that the final recommendation is that of the Director of Adoption and that the decision to grant the adoption order is made by the court, and
- unless the child is in continuing custody of a director under the *CFCSA* or has special service needs, collect the appropriate fees (refer to Practice Standard 11).

When completing the Post-placement Report:

- refer to *Administrative Procedures and Guidelines for Adoption Services* for sample reports and further instruction
- spell out all numbers, as the report is a court document, and
- contact Adoption Branch if you require additional assistance.

Preparing the Post-placement Report for a child in continuing custody or a child in the permanent guardianship of another province:

Include the following information, in the sequence outlined below.

Headings

Begin the report with the following headings:

- “IN THE SUPREME COURT OF BRITISH COLUMBIA”
- “RE: (the child’s full name by birth, as shown on the Registration of Live Birth)”
 - the child’s legal name on the Registration of Live Birth is used in the report, even though it may differ from the name on the continuing custody order or from the name by which the child is commonly known
 - if there is more than one child, each name should be on a separate line and the appropriate reference (as below) to infant or child after each
 - include “an infant” after the child’s full name by birth, if the child is under 2 years of age, or include “a child” after the child’s full name by birth, if the child is over 2 years of age
- “POST-PLACEMENT REPORT OF THE DIRECTOR OF ADOPTION”

First paragraph

The following standard sentence comprises the first paragraph:

“I have made the required inquiry in the above matter and submit the following report:”

Second paragraph

- Begin with the statement: “The child, (name as on the Registration of Live Birth) who was born on (birth date, as shown on the Registration of Live Birth) has been living with the applicants since (date of placement with the prospective adoptive parent(s) as indicated on the Notice of Placement).”
 - If the child is Aboriginal the sentence reads “the child, who is of Aboriginal heritage, was born on...”
 - if the applicant(s) are also of Aboriginal heritage, the sentence reads “...has been living with the applicant(s), who are of Aboriginal heritage, since the...”
 - if the applicant(s) are not of Aboriginal heritage, the sentence reads “...has been living with the applicant(s), who are not of Aboriginal heritage, since the ...”
 - If the child is being adopted by caregiver(s), state “the child has been living with the applicants, for the purpose of adoption, since the (date of placement as indicated on the Notice of Placement, not the date the child began living with the family for the purpose of fostering).
- The standard next sentence reads: “I have received the applicants’ notice of placement and a copy of the application.”

Legal status of the child and information about required consents

The third paragraph identifies the legal status of the child and provides information about the required consents. In reviewing which consents have been obtained, the court will be confirming that all persons required to consent under section 13 of the *Adoption Act* have done so.

- Identify the child’s legal status, and information about required consents, using the following statements:
 - “The child is in the continuing custody of a director under the *Child, Family and Community Service Act* as I have delegated authority to act as a Director under section 50(1)(a) of the *Child, Family and Community Service Act* consent to the child’s adoption” or

- “The child is under the guardianship of a director under the *Child, Family and Community Service Act* pursuant to section 29 of the *Family Relations Act* As I have delegated authority to act as a Director under section 50(1)(a) of the *Child, Family and Community Service Act* consent to the child’s adoption.”
- If the child is at least 7 years of age and less than 12, include a statement that a report on the younger child’s views has been obtained, using the following statement: “A report on the younger child’s views has been obtained pursuant to section 30 of the *Adoption Act*”
- If applicable, state whether the consent of the child who is 12 years of age or over has been obtained.
- If, in exceptional circumstances, the child’s consent was not obtained:
 - if an order dispensing with consent has not been made, include the reason that the consent has not been obtained
 - NOTE: The court may only dispense with the consent of a child 12 years or older if it has determined that the child is not capable of giving informed consent, and will require a letter or affidavit from a psychiatrist or psychologist (refer to Practice Standard 40 to determine the child's capacity to consent and Practice Standard 41 for instructions on making an application to dispense with the child's consent).
 - if an order was made dispensing with consent:
 - include a statement that consent was dispensed with
 - state the date the consent was dispensed with, and
 - provide the name of the court where the consent was dispensed with
- If the child is in the care of an extra-provincial child welfare authority:
 - include a statement in the report that the consent of the guardian has been obtained, and that the guardian has the equivalent authority as the Director under the *Child, Family and Community Service Act* consent to the child’s adoption.

Details of the child’s removal and continuing custody

The fourth paragraph indicates when the child was removed and when he or she came into continuing custody.

State, as appropriate to the legislation under which the child came into care:

- “The child was removed under the *Child, Family and Community Service Act* (the date), and a continuing custody order was made on (the date),” or
- “The child was apprehended under the *Family and Child Service Act* (the date), and was committed to permanent care on (the date).”

Discrepancies

Address any errors, omissions or discrepancies in the spelling of names, accuracy of dates and other facts on the documents.

- When there is a name discrepancy, such as different names or different spellings use the following wording “There is a discrepancy in that the child’s name on the Registration of Live Birth is _____, and it is _____ on the continuing custody order. I am satisfied that _____ and _____ are one and the same person.”
- If the year the Registration of Live Birth was signed and the location where it was signed are not completed, address this in the report.
- If the child’s place of birth on the Registration of Live Birth does not include the province, address this discrepancy.

The child’s placement history

The next paragraph deals with the child’s placement history.

- Where possible, list without naming all persons who have had care of the child and with whom the child has resided since birth, showing their relationship to the child and the relevant periods.
- It is not necessary to list each foster placement since the child came into in care.
- State: “The child has been in (insert number of placements; i.e. one, two, three, etc.) foster homes from (date) to when placed with the applicants.”
- If this is a caregiver adoption, state: “The child was initially placed in the applicant’s home on a foster basis on (indicate the date) and they subsequently decided to adopt the child.”

Information about access

Information about access, if applicable, is included in the next paragraph. If access is contested or will not be terminated, or if there is an application to vary or continue, contact Adoption Branch for assistance in obtaining legal advice before completing the Post-placement Report.

NOTE: Any recommendation to vary or terminate access is made after an assessment that it is in the child's best interests (refer to Practice Standard 20).

- State whether written notice, at least 30 days prior to the application for an adoption order, was given to anyone with access rights to the child by court order or by an agreement enforceable as an order under the *Family Relations Act*
- If an access order exists and the individual with access has not exercised access as provided on the order, and was notified of the application for an adoption order, provide that information in this paragraph and recommend at the end of the report that the access order be terminated.
- If a previous application to terminate the access order was successful, include the following information in this paragraph:
 - that a previous application was made to the court and the results of the previous proceedings to terminate the access order
 - the date the access order was terminated and the name of the court
 - whether the access order was terminated in favor of an openness agreement.

Applicant(s)' Information

- Include a statement about any other children of the applicant(s), including their age, gender and place of residence, such as: “The applicants have a daughter living in the home, who is twenty years old and a son who is twenty-two years old and who lives on his own.”
- If the applicants have foster children provide a statement such as: “The applicants have one child living in the home, a son who is thirteen years of age and one foster child, a female who is six years of age.”
- It is not necessary to state whether the applicant(s) have adopted children previously.
- If the adoptive parent(s) have no other children, the court requests that this be stated in the report: “The applicants have no other children.”
- If there are children from a previous relationship, the court requires a statement to that effect. If only one parent has children from a previous relationship, state that the other prospective adoptive parent(s) does not have other children.
- If the child is Aboriginal, state: “The applicants have agreed to a plan to preserve the child’s cultural identity.”

Pre-placement requirements of the Act

The next paragraph states that the pre-placement requirements of the *Act* have been met.

- Use the standard statement: “The placement was made by my delegate after all the applicable pre-placement requirements of section 6 of the *Adoption Act* were met.”
- If the child is of Aboriginal heritage, include section 3(2) and 7 as well in the previous statement.
- If a requirement was met after placement, make a statement to that effect.

Recommendation

Include your specific recommendations in this section, including:

- whether to continue, vary or terminate an access order, and
- whether to support an application to alter or dispense with the six-month residency requirement
 - use the following statement: “I am recommending that the six month residency requirement be dispensed with as per section 35(3) of the *Adoption Act*, and
 - make a statement about the reasons.

In the last paragraph state: “From my delegate’s knowledge of the family, I believe that adoption is in the child’s best interests. I recommend that the adoption order be made.”

Conclusion

Conclude the report with the following:

“Dated at Victoria, British Columbia, this ____ day of ____, 20__.” The signature block for the Director to sign should be centered on the page with the Director’s name typed below.

Preparing the post-placement report for a child voluntarily placed through the ministry under the *Adoption Act*:

Include the following information, in the sequence outlined below.

Headings

Begin the report with the same headings as for a child in continuing custody using the child’s legal name as on the Registration of Live Birth even though it may differ from the name on the consents.

First paragraph

Use the same first line as for a child in continuing custody.

Second paragraph

In addition to the applicable sections of the second paragraph for a child in continuing custody, include the following information:

- Where appropriate, state: “The consents of the child’s birth mother and birth father have been obtained.”
- State: “As Director of Adoption I also give my consent.”
- When the child is at least years 7 of age and less than 12, refer to the wording in the report for a child in continuing custody.
- If applicable, state whether the consent of the child who is 12 years of age or over has been obtained.
- If, in exceptional circumstances, the child’s consent was not obtained, follow the direction provided for the report for a child in continuing custody.
- If a required consent, such as the consent of a living birth parent when a child is placed by someone appointed as the child’s guardian, or the birth father’s consent, has not been obtained, state “The consent of the birth father (birth mother) has not been obtained for the reasons outlined below.”

When a consent has not been obtained

The next paragraph contains information as to why a consent such as the birth father's was not obtained.

- If the birth mother was unwilling to name the birth father and the relationship between the birth parents was of a short duration, then state this. For example: "The birth mother was unwilling to name the birth father and advised that the pregnancy was a result of a casual and transitory sexual relationship which ended prior to her knowledge of the pregnancy with a man whose current location and circumstances are unknown to the birth mother."
- If the consent of the birth father has not been obtained, state whether the Birth Fathers' Registry was searched using the following statement: "My delegate searched the Birth Fathers' Registry and found no person registered with respect to the proposed adoption."
- If you have successfully notified a birth father and he does not acknowledge paternity, or does not respond, then state this.
- If you were unable to notify anyone named by the birth mother as the child's birth father, outline the reasonable efforts that were made and include in the court package an affidavit outlining your efforts or a statement from the process server.
- If you were unable to notify anyone registered on the birth fathers' registry state, "My delegate sent notification to the last known address provided by a man registered on the Birth Father's Registry, but Canada Post could not confirm his receipt."
- If an order was made dispensing with notice of the proposed adoption to the birth father, include:
 - a statement that notice was dispensed with
 - the date the notice was dispensed with, and
 - the name of the court where the notice was dispensed with.
- If an order dispensing with notice to the birth father has not yet been obtained, contact Adoption Branch.
- If an order was made dispensing with consent, include:
 - a statement that consent was dispensed with
 - the date the consent was dispensed with, and
 - the name of the court where the consent was dispensed with.
- If consent cannot be obtained because a birth parent is deceased:
 - include a statement that the consent has not been obtained due to the death of the birth parent, and
 - state "the death certificate has been reviewed by my delegate"
- If an order dispensing with a required consent has not yet been obtained, contact Adoption Branch, unless the birth father, when contacted, denied paternity or stated he was unwilling to consent.

Discrepancies

The next paragraph deals with discrepancies, if any, in the same manner as in a report concerning a child in continuing custody (see above):

- When there is a name discrepancy, such as different names or different spellings, use the following wording "There is a discrepancy in that the child's name on the Registration of Live Birth is _____ and it is _____ on the birth mother's or birth father's Parent or Guardian's Consent to Adoption. I am satisfied that _____ and _____ are one and the same person".
- If the birth parent(s)' names do not match those on the Registration of Live Birth, address this in the report.

The child's placement history

The next paragraph deals with the child's placement history.

- Indicate where the child lived prior to placement, including whether the child was placed directly from the hospital, or spent time with the birth family, foster parents and/or others.
- Use statements such as the following:
 - "The child was placed in a foster home directly from the hospital, where he/she remained until being placed with the adopting parents" or
 - "The child was discharged from the hospital into the care of the applicants."

Access

The next paragraph deals with access, if any, in the same manner as for a report concerning a child in continuing custody.

Applicant(s)' Information

The next paragraph provides information about the applicant(s)' other children, if any, in the same manner as for a report concerning a child in continuing custody.

Pre-placement requirements of the Act

The next paragraph addresses whether the pre-placement requirements of the *Act* have been met, in the same manner as for a report concerning a child in continuing custody.

Recommendation

Include your specific recommendations in this section, including where appropriate:

- whether or not to support an application to:
 - dispense with notice of the proposed adoption to a birth father whose consent is not required
 - dispense with a required consent
- whether or not to continue, vary or terminate an access order, and
- whether or not to support an application to alter or dispense with the six-month residency requirement, using the statements provided above for a report concerning a child in continuing custody.

The report concludes in the same manner as that for a child in continuing custody:

- use the standard last lines "From my delegate's knowledge of the family, I believe that adoption is in the child's best interests. I recommend that the adoption order be made," and
- add the date and signature lines.

Upon completion of the Post-placement Report:

- forward a copy of the report electronically to Adoption Branch, and
- include the report in the required document package mailed to Adoption Branch (refer to Practice Standard 59).

If the court wishes additional information or determines that a hearing is required, Adoption Branch is notified and will take appropriate action.

PRACTICE STANDARD 63

Completing a Court-ordered Report for a Step-parent, Relative or Adult Adoption or for the Conversion of a Hague Convention Adoption

When requested by the court, you must:

- conduct an inquiry
 - into an adoption of a child by a relative
 - into an adoption of a child by a step-parent
 - into an adult adoption, or
 - when there is an application to court to convert an adoption order made in the child's country of origin where the Hague Convention is in force and where the order does not terminate any pre-existing parent-child relationship, and
- provide the court with a written report of the results of your inquiry.

Commentary

Adoption Act
s. 34

The *Adoption Act* allows the court to require the Director of Adoption to inquire into any matter respecting an application for an adoption order that the court considers necessary. A request to complete a court-ordered report is often conveyed by the lawyer for the prospective adoptive parent(s) but may be requested directly by the court. The request may be made to Adoption Branch or may be made directly to the district office. The circumstances that require a court-ordered report are unique, and your report will be directed by the request of the court.

For example, the court may order a report in a step-parent adoption because one of the parents may be opposing the adoption, or in a relative adoption because another relative is opposing the adoption. When a birth parent refuses to consent or opposes the adoption, the court may order that the birth parent be interviewed and the birth parent's reasons be recorded in a report for the court. (For more information on step-parent and relative adoptions, refer to "Other Types of Adoption" on the MCF Adoption web site.)

The only other involvement the ministry might have in a step-parent or relative adoption is when the ministry is approached to obtain the younger child's views. Practice Standard 60 provides instruction when a request for a Report on a Younger Child's Views is received from prospective adoptive parent(s) who are not already receiving adoption services through the ministry. When a related child is from a country in which the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) is in force, prospective adoptive parent(s) will require a homestudy (family assessment/education components) and are advised to contact a licensed B.C. adoption agency.

Adoption Act
s. 55

Adoption orders granted in some countries where the Hague Convention is in force may not terminate legal ties with the family of origin. Adoptive parent(s) from a country where the Hague Convention is in force may choose to have the adoption converted to an adoption order under B.C. law by applying to the court for a conversion. Unless the court requires the Director of Adoption to make an inquiry, the ministry's involvement in the conversion of the adoption is minimal. Once the order is made converting the adoption, if the adoptive parent(s) want the full adoption to be recognized under the Hague Convention, they can provide Adoption Branch with a copy of the order. Adoption Branch will issue a Certificate of Conformity to the adoptive parent(s) and also send a copy to the central authority in the child's country of origin.

Guidelines

Prior to completion of a court ordered report:

- if the court or lawyer has sent the request directly to your office, send a copy of the request to Adoption Branch
- if the request has come from a lawyer, ask the lawyer to provide a letter that includes the specifics of what the court has requested be investigated
- if the court's requirements are unclear, consult with
 - your supervisor/team leader, and/or
 - contact Adoption Branch for assistance and to consult with Legal Services Branch, if necessary
- advise prospective adoptive parent(s) that the final recommendation is that of the Director of Adoption and that the decision to grant the adoption order is made by the court
- obtain copies of any affidavits filed in court, and
- open an (AH) file.

When conducting an inquiry for a court-ordered report:

- interview the party or parties to the adoption as required
- obtain any other relevant documents
- verify information as appropriate
- to arrange interviews when the parties to the adoption reside outside British Columbia or to verify information from sources outside British Columbia, contact Adoption Branch to identify the appropriate contacts
- if concerns arise and you believe the child may be at risk, refer the matter directly to a person delegated under the *CFCSA* to determine if the child may be in need of protection
- if there are no protection concerns but the child opposes the adoption and will continue to reside in the home:
 - talk with the child to determine his or her concerns
 - assist the child in sharing these concerns with the prospective adoptive parent(s)
 - where appropriate, refer the child and prospective adoptive parent(s) to support services
- if the information in the affidavits and the information you have obtained are inconsistent, assess the accuracy of the information.

To prepare and complete a Court-ordered Report:

1. Refer to *Administrative Procedures and Guidelines for Adoption Services* for guidance.
2. Complete the report and have it reviewed by your supervisor/team leader.
3. Forward the report to Adoption Branch for the Director of Adoption's signature. Adoption Branch will forward the signed report to the court and a copy to you.
4. Upon receipt of the signed report from Adoption Branch replace the unsigned report on your file with the signed report from Adoption Branch.
5. Close the (AH) file.

PRACTICE STANDARD 64

Distributing the Adoption Order and Birth Certificate or Statement Respecting Particulars of Birth, and Making the Required Notifications for Ministry Arranged Adoptions

As the adoption worker providing adoption services to the adoptive parent(s), when the adoption order has been granted, you must:

- distribute the adoption order and Birth Certificate or Statement Respecting Particulars of Birth, in the child's name by adoption, to the appropriate parties
- notify the following, as appropriate, that the adoption order has been granted:
 - the adoption worker providing adoption services for birth parent(s) who consented under the *Adoption Act*
 - workers for any participants in openness agreements
 - the Public Guardian and Trustee of British Columbia
 - the Criminal Injury Compensation Program
 - the Department of Indian Affairs and Northern Development, or if the child is a Nisga'a child, the Nisga'a Lisims Government
- finalize the openness exchange procedures, when applicable, as described in Practice Standard 15.

As the adoption worker providing adoption services for birth parent(s) who consented under the *Adoption Act* when the adoption order has been granted you must:

- notify the birth parent(s) unless they indicated they did not wish to be notified, and
- finalize the openness exchange procedures, when applicable, as described in Practice Standard 15.

Commentary

In a ministry arranged adoption, when the adoption order is granted, the court sends a certified copy of the adoption order to the district office and to Adoption Branch. Vital Statistics forwards the Birth Certificate or Statement Respecting Particulars of Birth, in the child's name by adoption, to the district office shortly after. It is your responsibility as the adoption worker for the prospective adoptive parent(s) to distribute these documents to the appropriate parties and to complete any required notifications. The one exception is the notification of the birth parent(s), which is the responsibility of the adoption worker for the birth parent(s) once he or she is notified by you that the order has been granted.

Adoption Act
s. 39

Reasonable efforts must be made to notify birth parent(s) or guardian(s) when an adoption order is granted, unless they have stated that they do not wish to be notified (as indicated on the Birth Parent or Guardian Request for Notice (CF2687), completed during the adoption planning process, or in any other way, either in writing or verbally). Birth parent(s) or guardian(s) should not be notified if they indicated they did not wish to be notified.

Guidelines

Refer to the Appendix ~~1A~~ Administrative Procedures and Guidelines for Adoption Services for sample covering letters to use when distributing the adoption order and birth certificate and sample letters for providing notification of the adoption order.

When distributing the adoption order:

- forward a certified copy of the adoption order, with a covering letter, to the adoptive parent(s), and
- if the child has been in the care of an extra-provincial child welfare authority, within 30 days from the date the order is received forward a copy of the adoption order with a covering letter to the authority who had guardianship.

When distributing the Birth Certificate in the child's name by adoption:

- if the child was born in British Columbia, forward a copy of the Birth Certificate, with a covering letter, to the adoptive parent(s)
- if the child was born in another province or territory or in the USA:
 - the Vital Statistics Agency is not able to issue a Birth Certificate, but forwards a copy of the adoption order to the other province or state so that they can amend their birth records
 - it is the policy of the province of Manitoba to contact the adoptive parent(s) directly about obtaining a Birth Certificate
 - other Canadian provinces and most American states will issue a Birth Certificate in the child's name by adoption upon application
 - for all provinces (except Manitoba), territories and states:
 - apply to the province in which the child was born for a Birth Certificate in the child's name by adoption
 - refer to Contact Information in the Appendix for the address of the B.C. Vital Statistics Agency web page for links to information about vital statistics agencies in other jurisdictions
- if the child was born in a country other than Canada or the United States
 - the B.C. Vital Statistics Agency is not able to issue a Birth Certificate in the child's name by adoption; however, the court forwards a copy of the order to the B.C. Vital Statistics Agency, along with the required documentation to amend the child's birth record and to request that a Statement Respecting Particulars of Birth be issued, and
 - upon receipt of the statement from the Vital Statistics Agency, forward the Statement Respecting Particulars of Birth to the adoptive parent(s).

Notifying the adoption worker for the birth parent(s)

When you notify the adoption worker for birth parent(s) who consented under the *Adoption Act* that the adoption order has been granted, it is that worker's responsibility to provide the birth parent(s) with notification (as below) unless the birth parent(s) indicated they did not wish to be notified.

When there is an openness agreement

If there is a formal or informal openness agreement that involves the exchange of non-identifying information

- notify the workers for any participants to the agreement that the adoption order has been granted (this enables the worker to finalize the openness exchange procedures and register the agreement)

Refer to Practice Standard 15 for direction in initiating the exchange of information through the Openness Exchange Registry.

Notifying the Public Guardian and Trustee of British Columbia

When a director is the guardian of the child under the *Adoption Act*, the *CFCSA* or the *Family Relations Act*

- if the Public Guardian and Trustee of British Columbia has advised you that they will remain involved by administering the child's estate or in litigation on behalf of the child:
 - forward a copy of the Notification to the Office of the Public Guardian and Trustee of B.C. (CF2681), including the child's name by birth and by adoption (refer to Contact Information in the Appendix for the address)
 - include a copy of the adoption order with the notification
- if the Public Guardian and Trustee of B.C. has not advised you they wish to remain involved by administering the child's estate or in litigation on behalf of the child:
 - send a letter to the Public Guardian and Trustee of B.C. advising that the child's adoption has been completed, using only the child's name by birth
 - inform the Public Guardian and Trustee of B.C. of the date the adoption order was granted
 - to protect the privacy of the child and the adoptive family:
 - do not identify the child's name by adoption
 - do not send a second copy of the (CF2681), and
 - do not include a copy of the adoption order with the letter.

When the child is receiving benefits under the *Criminal Injury Compensation Act*:

- notify the adoptive parent(s) of the child's claim number under the Criminal Injury Compensation Program when you notify them that the adoption order has been granted
- notify the Criminal Injury Compensation Program (refer to Contact Information in the Appendix) that the adoption order has been granted
 - do not include a copy of the adoption order with the letter.

Notifying the Department of Indian Affairs and Northern Development (DIAND) (except if the child is a Nisga'a child)

When the child is Aboriginal and is registered under the *Indian Act* or is likely to be entitled to be registered:

- notify DIAND (refer to Contact Information in the Appendix for DIAND Land and Trust Services in Ottawa) that the adoption order has been granted, and
- include a copy of the adoption order with the letter.

When the DIAND receives a copy of the adoption order, one of the following occurs:

- if the adoptive parent(s) are members of the child's Band, the child's registration is removed from the birth parent(s)' registration number and is registered with the adoptive parent(s) in their names
- if the adoptive parent(s) are members of a different Band from that of the child:
 - the child is automatically re-registered with his or her current Band under an adoptive registration which does not identify the child by name
 - the adoptive parent(s) may want to apply to transfer the child's registration to their Band, and

- all Bands are responsible for their own membership, and a transfer to the adoptive parent(s)' Band can only be considered at the request of the adoptive parent(s)' Band council
- if the adoptive parent(s) are non-Aboriginal:
 - the child remains a Band member but his or her name does not appear on a published Band list, and
 - the child's registration is removed from the birth parent(s)' registration number and the child is registered separately, preserving the confidentiality of the child's identity.

If the child is a Nisga'a child or is entitled to citizenship with the Nisga'a Lisims Government:

- notify the Nisga'a Lisims Government (refer to Contact Information in the Appendix) that the adoption order has been granted (until protocols are developed, contact Adoption Branch for instruction), and
- include a copy of the adoption order with the letter.

As the adoption worker for the birth parent(s), when the worker for the adoptive parent(s) notifies you that the adoption order has been granted:

- make reasonable efforts to notify the birth parent(s) or guardian by sending to their address on the file, by registered mail, the Letter Notifying Birth Parent(s) that the Adoption Order was Granted
- if you are unable to provide notice through registered mail, refer to Practice Standard 8
- place a copy of the receipt for registered mail on the birth parent(s)' or guardian's (AS) file, and
- if birth parent(s) have indicated they do not wish to be notified, no notification is required.

Steps when the adoption order has been granted and all required notifications have been completed

As the adoption worker for the adoptive parent(s):

1. Prepare a closing recording indicating that:
 - the adoption order was granted
 - copies of the adoption order and Birth Certificate/Statement Respecting Particulars of Birth in the child's name by adoption were distributed as required
 - where applicable, all openness exchange procedures have been finalized
 - all required notifications were completed.
2. Place a copy of the adoption order on the (AH) file.
3. Close the (AH) and (CS) files.

As the adoption worker for the birth parent(s):

1. Prepare a closing recording indicating that:
 - the adoption order was granted
 - where applicable, the birth parent(s) were notified that the order was granted
 - where applicable, all openness exchange procedures have been finalized.
2. Close the (AS) file.

CHAPTER 10:

Ministry Arranged Interprovincial Adoptions

Procedures for the adoption of children in care outside of their guardian province are set out in the *Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories* (the interprovincial protocol). Schedule C (Adoptions) of the protocol enables each jurisdiction to fulfil its own policy and legislative requirements, and assists provinces in collaborating on the adoption process when there are differences in legislation and procedures. More information about the interprovincial protocol is available on MCF Connect (Intranet).

In the interprovincial protocol:

- a “child in care” is a child in the care, custody or guardianship of a child welfare authority by a court order, voluntary agreement or adoption consent.

In Schedule C of the protocol, regarding adoption placement services:

- the “originating province” is the provincial or local authority that has the child in care
- the “receiving province” is the province or local authority where the prospective adoptive applicant resides or to where the child in care and adoptive parent(s) are moving.

The interprovincial protocol includes a process by which applicants who have applied to adopt a child in care in one province can have their application accepted in the province to which they are moving. For details, refer to Practice Standard 43.

The standards in this chapter apply to children in care. For the interprovincial adoption of a child who is not in care, refer to Chapter 12.

PRACTICE STANDARD 65

Pre-placement and Placement Responsibilities When Placing a B.C. Child in Care in Another Province

When you receive an inquiry from prospective adoptive parent(s) or a child welfare authority in another province about the possible adoption placement of a specific B.C. child in care, you must, within 30 days:

- advise if the child is available for adoption and whether the prospective adoptive parent(s) might be considered as a possible adoption placement for the child
- if the placement seems viable:
 - provide information about the Post-adoption Assistance Program, and
 - request from the provincial child welfare authority a preliminary assessment of the prospective adoptive parent(s) to estimate their capacity to meet the needs of the child.

When planning for the adoption of a B.C. child in another province, you must:

- consult with the receiving province, and if the placement seems viable, agree to a tentative plan about the proposed placement
- provide the receiving province with written notice of the proposed adoption plan, approved by your regional manager responsible for adoption
- obtain written acceptance of the adoption plan from the receiving province
- where applicable, negotiate a Post-adoption Assistance Agreement with the prospective adoptive family, and
- meet all applicable practice standards in Chapter 3.

Commentary

There are circumstances when it may be desirable for a child in care to move from his or her originating province. These include, but are not limited to:

- when the child is placed with a sibling in another jurisdiction (refer to Practice Standard 21)
- when the child is placed with a relative or with a person with whom the child has a significant relationship
- when an Aboriginal child is placed within the child's Band or Aboriginal community (refer to Practice Standard 18)
- when it is determined to be in the child's best interests (refer to Practice Standard 1)
- when the child's special service or special placement needs make it necessary to look for prospective adoptive parent(s) outside of the originating province
- when the child is to be placed with a family affiliated with the child's cultural, racial or religious community
- when the prospective adoptive parent(s) move from one jurisdiction to another before the adoption is completed (refer to Practice Standard 66).

When family members or friends in another province become aware of a child who has come into care in B.C., they may contact the ministry to inquire if their family could be considered as an adoption placement for the child. Sometimes prospective adoptive parent(s) in another province request that an inquiry about a B.C. child in care be made through their local child welfare authority. The interprovincial protocol requires that you respond to an inquiry from prospective adoptive parent(s) or from a child welfare authority within 30 days with

information, and where appropriate, with a request to the child welfare authority to provide a preliminary assessment of the prospective adoptive family.

When you contact a provincial child welfare authority about the possible adoption placement of a B.C. child in care with a family residing in their province, the interprovincial protocol requires a response from the authority within 30 days. Within that time period, the provincial child welfare authority is required to carry out a preliminary assessment to determine the interest of the prospective adoptive parent(s) and to estimate their capacity to meet the needs of the child. In addition, it is their responsibility to advise you in writing if the placement seems viable and if they will complete the homestudy process (education and structured family assessment components) for the family. If the receiving province agrees to complete the homestudy process, the interprovincial protocol requires that it be completed within 6 months unless otherwise negotiated.

When the child is in the guardianship of a director under the *CFCSA* or when birth parent(s) have voluntarily requested a ministry arranged adoption under the *Adoption Act* B.C. requests through the interprovincial protocol that the placement be supervised by the child welfare authority in the receiving province.

Under the interprovincial protocol, when requesting services from a receiving province, the originating province pays for any post-adoption assistance the child and family may be eligible for. A family residing in another province may receive post-adoption assistance from B.C. when the child was designated in B.C.

When a decision is made to place a B.C. child in another province for adoption, until the adoption order is granted the child remains in the guardianship of a director under the *CFCSA* or the Director of Adoption. While it is essential that you consult with the receiving province about all aspects of an adoption plan that occurs within their jurisdiction, in carrying out your guardianship duties it is your responsibility to set the terms of the plan and make all final decisions. It is also essential that you communicate these terms and decisions to the receiving province.

Guidelines

Some provinces require that their provincial authority be involved in interprovincial placements, while others prefer the contact to occur at the district office level. If you are unsure about the protocol with a particular province, contact Adoption Branch for assistance.

When initiating a plan to place a B.C. child in another province:

- register the child for adoption with Adoption Branch (refer to Practice Standard 17)
- consult with your supervisor/team leader about your plan to place the child out of province
- if the birth parent(s) are voluntarily planning adoption under the *Adoption Act* advise them:
 - that there is no guarantee the receiving province will honour the birth mother's right in B.C. to revoke her consent within 30 days of the child's birth, as the revocation of consents is subject to legislation in the receiving province
 - that notice of the status of the adoption placement will be provided unless it is contrary to the legislation of the receiving province
 - that legislation regarding disclosure of information after the adoption order is granted varies according to the legislation of each province
- obtain contact information for provincial and local authorities from Adoption Branch
- consult with the receiving province to discuss the tentative placement plan

- request that the receiving province carry out a preliminary assessment to determine the interest of the prospective adoptive parent(s) and estimate their capacity to meet the needs of the child
- the receiving province will advise you if the placement seems viable and if they will complete a homestudy (education and structured family assessment components) for the prospective adoptive parent(s)
- if you believe the placement may be viable, request that the receiving province complete the homestudy process for the prospective adoptive parent(s):
 - within 6 months unless otherwise negotiated as specified in the interprovincial agreement, and
 - include in the written family assessment a recommendation about the adoption plan
- confirm your request in writing and provide written notice of the proposed placement to the receiving province (as described below).

Prepare a draft letter for your regional manager responsible for adoption to send to the receiving province that includes the following:

- the name of the child to be adopted
- the child's current legal status
- the prospective adoptive parent(s)' name(s) and address in the receiving province or territory
- confirmation of your request that the receiving province complete the agreed upon homestudy process for the family within 6 months (unless otherwise negotiated) and include a recommendation concerning the placement
- a request to collaborate with the receiving province, once the prospective adoptive parent(s) have been approved and it is determined to be in the child's best interests to develop an adoption placement plan, in developing a written placement plan that includes:
 - the proposed date of the adoption placement in the receiving province
 - the names, addresses, telephone and fax numbers of the adoption workers in both provinces or territories involved in the adoption
 - a request for confirmation, in writing, that the receiving province agrees to the adoption plan and will accept supervision of the placement and provide services
 - a description of the child's special service and/or placement needs, whether the child meets the criteria and has been designated for the Post-adoption Assistance program, and information about available assistance
 - a request that the receiving province:
 - explain the child's special service and/or placement needs to the prospective adoptive parent(s) and ascertain whether the prospective adoptive parent(s) intend to apply for post-adoption assistance
 - if applicable, provide information on the availability of the needed services and an estimate of their costs
 - if applicable, assist as required in assessing the prospective adoptive parent(s)' need and eligibility for post-adoption assistance and in negotiating a Post-adoption Assistance Agreement
 - details of the child's medical coverage (B.C. medical coverage extends for the first 3 months following the child's placement in another province)
 - a statement that the interprovincial agreement will be followed in the event of a disruption
 - a request that the receiving province negotiate any openness agreements, if applicable

- a list of any reports or documents attached that will assist the prospective adoptive parent(s) in making an informed decision about adopting the child, and the adoption worker in assessing their ability to meet the needs of the child
- plans for pre-placement visits
- a time frame to complete the adoption
- a request for progress reports depending upon the needs and circumstances of the child and family:
 - an initial progress report within 5 months of placement
 - if the placement continues past 6 months, further reports every 6 months thereafter
 - the expectations regarding the content of the reports (refer to Practice Standard 66), and
 - a final report providing the receiving province's recommendation about completion of the adoption.

Refer to the sample letter in the Appendix of *Administrative Procedures and Guidelines for Adoption Services*

After your regional manager responsible for adoption signs the letter and forwards it to the receiving province:

- gather all required documents and prepare the child for adoption by completing all applicable standards in Chapter 3
- if the child has been designated for post-adoption assistance (refer to Practice Standard 24), and the receiving province has determined that the prospective adoptive parent(s) are prepared to proceed with the adoption and are requesting post-adoption assistance:
 - determine with the assistance of the receiving province, if the prospective adoptive parent(s) meet the eligibility criteria for post-adoption assistance (refer to Practice Standard 51) and the type and amount of assistance available (refer to Practice Standard 52)
 - inform the prospective adoptive parent(s) and their adoption worker in the receiving province that a review is done every two years which determines continued eligibility for the family
- when you receive the written family assessment recommending the placement, open an (AH) file and place the written family assessment and all information about the prospective adoptive parent(s) on the file, and
- if you have not received written acceptance of the adoption plan, request that the receiving province acknowledge in writing that they will supervise the placement and provide information about available support services as outlined in the plan.

When formally proposing the child to the prospective adoptive parent(s):

- the interprovincial protocol requires that a written adoption placement plan be developed in collaboration with the receiving province that is similar to B.C.'s comprehensive plan of care
- complete all applicable requirements of Practice Standard 27, including the child's comprehensive plan of care, ensuring that as required by the interprovincial protocol the following additional information is provided in writing:
 - the expected time frame to complete the adoption
 - confirmation that the adoption will be completed in the receiving province
- provide information on reviewing the comprehensive plan of care to the adoption worker in the receiving province, and request that he or she complete it with the prospective adoptive parent(s) and return it to you with the prospective adoptive parent(s)' signed letter acknowledging the information they have received (refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services*)

- obtain your supervisor's/team leader's approval of the child's comprehensive plan of care
- make arrangements with the prospective adoptive parent(s) and their adoption worker for pre-placement visits and the transfer of the child to the prospective adoptive parent(s)' care:
 - it is preferable that the prospective adoptive parent(s) travel to B.C. for visits and to bring the child home
 - refer to Practice Standard 28 for direction on pre-placement visits
 - where possible, prospective adoptive parent(s) are expected to travel at their own expense; however if required, costs for the visits can be paid off of the child's file, and
 - arrange for transportation of the child to the receiving province at the ministry's expense.

Prior to placement:

- where at all possible, negotiate a Post-adoption Assistance Agreement, to be completed and signed after placement
 - the receiving province advises you of the availability of needed services and provides an estimate of the cost
 - refer to Practice Standard 53 for guidance when negotiating an agreement
 - open an (AA) file to provide service or where prospective adoptive parent(s) are already receiving payments under the Post-adoption Assistance program, retain their (AA) file
- prepare the Adoption Placement Agreement (CF0325):
 - which defines the responsibilities to the child of the prospective adoptive parent(s) and of the director who is guardian of the child during the post-placement period, and
 - contact Adoption Branch to determine whether the agreement requires any modifications for placement in another province.

At the time of placement:

- confirm with the prospective adoptive parent(s) and the child, if sufficiently mature, who they are to contact as a representative of the receiving province after they arrive home and whenever they need support or assistance
- provide prospective adoptive parent(s) with the following documentation:
 - the Adoption Placement Agreement (CF0325)
 - a letter giving them authority to transport the child ; refer to the Appendix of *Administrative Procedures and Guidelines for Adoption Services* for the sample: Authorizing the Transport of the Child to be Adopted by the Prospective Adoptive Parent(s).

PRACTICE STANDARD 66

Post-placement Responsibilities of the Child's Worker to a B.C. Child Placed in Another Province

After placing a B.C. child in care in another province, you must request from the receiving province:

- notice of placement
- progress reports
 - an initial report to be received no later than the fifth month after placement
 - if the adoption is not completed within 6 months, every 6 months thereafter
 - a final report to be completed prior to completion.

In addition, you must:

- for a child in continuing custody, meet all requirements of Practice Standard 55 except for cancelling the child's medical coverage
- when birth parent(s) have voluntarily placed the child under the *Adoption Act*
 - comply with the receiving province's post-placement requirements to birth parent(s), and
 - meet the applicable requirements of Practice Standard 56 except for cancelling the child's medical coverage
- where applicable, finalize a Post-adoption Assistance Agreement
- negotiate with the receiving province a completion date at the conclusion of 6 months where at all possible
- if there is a disruption of the placement, negotiate with the receiving province around planning for the child, and
- review the child's comprehensive plan of care, in consultation with the receiving province, if the post-placement period extends beyond 9 months.

When prospective adoptive parent(s) residing in B.C. plan to move to another province during the post-placement period with a child in care who was placed with them for adoption, and provide you with written consent, you must:

- provide 30 days' prior written notice to the receiving province
- develop in collaboration with the receiving province a written plan for completion of the adoption
- forward to the receiving province within 30 days of the family's move:
 - information and documentation on the child, and
 - information on the prospective adoptive parent(s)
- obtain, if possible, written acceptance of the adoption plan from the receiving province.

Commentary

When a receiving province accepts a request to supervise an adoption placement, it provides services for the originating province to assist that province in fulfilling its responsibilities. The receiving province supervises the placement and acts on behalf of the originating province, consulting with the originating province as required. Until the adoption order is made, guardianship of the child remains with the child welfare authority that obtained the permanent or continuing custody order or that has assumed guardianship from the birth

parent(s) through the signing of consents. After the child is placed for adoption in another province, as guardian of the child, you retain legal responsibility for the child and for the child's (CS) file.

When a child is voluntarily placed for adoption through the ministry under the *Adoption Act* requirements concerning notification to birth parent(s), consents and the revocation of consents are subject to legislation in the receiving province.

A B.C. child placed in another province does not qualify for medical coverage in that province until after he or she has resided there for 3 months. To help ensure there is no gap in the child's medical coverage, the child's B.C. medical coverage is not cancelled until the (CS) file is closed.

Adoption Act
s. 5(2)

For an adoption to be completed in B.C., the prospective adoptive parent(s) must be residents of B.C. For that reason, the adoption of a B.C. child is completed in the receiving province. Some other provinces prefer to complete their own adoptions for their children in care. The receiving province is responsible for informing you about legislation and policies that need to be considered to complete the adoption under its laws.

Under the interprovincial protocol, as a general rule, the province that assumes responsibility for completing the adoption proceeds to court for the adoption order within one year from the date the child was placed for adoption unless otherwise negotiated. Practice Standard 57 requires that a B.C. child's adoption be completed wherever possible at the conclusion of the 6-month residency period, and within 12 months of placement. It is your responsibility to negotiate with the receiving province a completion date at the end of 6 months, where at all possible.

When prospective adoptive parent(s) residing in B.C. plan to move to another province during the post-placement with a child who was placed with them for adoption, the interprovincial protocol provides for required timelines and lists the documents that must be forwarded to the receiving province.

Guidelines

As soon as possible after placement of the child in the receiving province:

- notify the receiving province that the child has been placed and request that they send you a copy of the Notice of Placement or its equivalent
- finalize and sign any Post-adoption Assistance Agreements (refer to Practice Standard 53)
- when meeting the requirements of Practice Standard 55 (for a child in continuing custody), if you have not yet provided written notice of the application for an adoption order to any person with access to the child, determine that it is not contrary to legislation in the receiving province before providing notice, and
- when meeting the requirements of Practice Standard 56 (for birth parent(s) voluntarily planning adoption), determine that it is not contrary to legislation in the receiving province:
 - before notifying the birth parent(s) of the status of the adoption, and
 - if you have not yet provided written notice of the application for an adoption order to any person with access to the child, before providing notice.

Progress reports:

- are requested from the receiving province and are completed in accordance with the standards and time frames of the originating province unless otherwise negotiated, and
- include copies of all assessments and follow-up reports.

Unless otherwise negotiated with the receiving province, reports on the child's progress should include details of the following:

- dates of visits to the prospective adoptive parent(s) and a statement about which of those visits were in the prospective adoptive parent(s)' home
- the child's emotional reaction to the environmental and social changes that have occurred since joining the prospective adoptive parent(s)
- progress or significant changes in the child's physical, social-emotional and intellectual development, health condition, daily routines and habits, and how the prospective adoptive parent(s) are dealing with those changes
- the prospective adoptive parent(s)' plans for the child to attend school or other programs and the child's integration into the community and extended family
- alternate child care arrangements, such as day care
- the prospective adoptive parent(s)' emotional reactions to their new role and its effect on their relationship with one another (if applicable)
- the prospective adoptive parent(s)' parenting skills and ability to understand and meet their child's needs
- the efforts of the prospective adoptive parent(s) to develop or maintain the child's cultural identity, if applicable, and
- the level of attachment between the child and the prospective adoptive parent(s), adoptive siblings and their peers.

Within 30 days of placement, forward the following records and documentation to the receiving province, retaining copies of all documents on the child's (CS) file:

- the Adoption Placement Agreement (CF0325)
- the child's Personal Health Care Number
- Consent to Care and Medical Attention for a Child in Care Placed in Another Province (refer to the Appendix of *Administrative Procedures and Guidelines for Adoption*)
- any additional assessments of the child's health or behaviour received after the proposal package was sent
- a certified copy of the continuing custody order, if applicable
- any consents, if applicable
- a certified copy of the order terminating access or a certified copy of an access order, if applicable
- a certified copy of the child's Registration of Live Birth or equivalent acceptable to the court
- in the case of an Aboriginal child, details with respect to the child's status under the *Indian Act* and community of origin
- if applicable, confirmation that the placement of the child for adoption in the receiving province was reviewed by the child's Band or Aboriginal community and that if required the Exceptions Committee has authorized the placement of an Aboriginal child in a non-Aboriginal home, and
- any additional documentation required to complete the adoption in the receiving province.

If openness agreements were not finalized prior to placement:

- if required, request the assistance of the receiving province in negotiating any services related to openness agreements, and
- refer to Practice Standard 12 or 13 as appropriate.

If there is a disruption of the placement:

- the receiving province is required by the interprovincial protocol:
 - to notify you of an emergency placement as soon as possible and within 7 days
 - to make any non-emergency placement changes in consultation with you
- in consultation with the receiving province, consider the following factors when determining whether the child should remain in the receiving province or return to British Columbia:
 - the length of time the child has been in the receiving province
 - the residence of parent(s), guardians and other significant family members
 - the child's preferences
 - the needs of the child and the ability of each province to meet them
 - for an Aboriginal child, access to his or her cultural heritage
 - applicable child welfare legislation in the receiving province
- after considering the above, renegotiate with the originating province a plan of care that is in the best interests of the child, and
- if you believe it is in the child's best interests to return to B.C., facilitate the child's return.

If the post-placement period extends beyond 9 months:

When the receiving province recommends delaying the completion of the adoption, they are required to provide reasons for the delay and propose an alternative date:

- review the child's comprehensive plan of care in consultation with the receiving province
- as guardian of the child, it is your responsibility to make the final decision as to whether the adoption should be completed.

When a B.C. child has been placed for adoption in the home of prospective adoptive parent(s) who reside in B.C. and are planning to move to another province during the post-placement period:

- provide 30 days' prior written notice to the receiving province
- in collaboration with the receiving province, develop a written plan for completing the adoption, which includes:
 - provision to supervise and support the placement as required
 - a time frame to complete the adoption
 - provision for post-adoption assistance if applicable
 - confirmation as to where and when the adoption will be completed
- forward the following information and documentation on the child to the receiving province within 30 days of the family's move:
 - a certified copy of the child's Registration of Live Birth or equivalent acceptable to the court
 - a certified copy of the continuing custody order, if applicable
 - any consents, if applicable
 - a certified copy of the order terminating access or a certified copy of an access order, if applicable
 - the child's current Condensed Assessment and Comprehensive Plan of Care, or Looking After Children Assessment and Action Record, which includes the comprehensive plan of care
 - all information about the child's medical, social and placement history (refer to Practice Standard 22) including a summary of all services and assessments

- the child's birth family's medical and social history (refer to Practice Standard 23)
- a copy of the child's Life Book if available
- in the case of an Aboriginal child, details of the child's status under the *Indian Act* and community of origin
 - if applicable, confirmation that the placement of the child for adoption has been reviewed by the child's Band or Aboriginal community and where required that the Exceptions Committee has granted approval to place an Aboriginal child with a non-Aboriginal family
- the Adoption Placement Agreement (CF0325) (contact Adoption Branch for any modifications required when a child is placed in another province), and
- any additional documentation required to complete the adoption in the receiving province
- with the written authorization of the prospective adoptive parent(s), using the Consent to Disclosure of Information (CF0609), forward the following information:
 - a copy of the application to adopt
 - a copy of the written family assessment
 - copies of supporting documentation on the (AH) file, including applicable checks, medical reports and personal references, and
 - other relevant information and documentation on the (AH) file.

Where the prospective adoptive family is receiving or is eligible to receive post-adoption assistance:

The interprovincial protocol requires that you provide the receiving province at least 30 days' prior notice in writing of the family's move:

- with the written authorization of the prospective adoptive parent(s), using the Consent to Disclosure of Information (CF0609), send the following to the receiving province:
 - information about the Post-adoption Assistance Program and the adoptive parent(s)' eligibility
 - copies of all documents associated with the approval of the assistance, and
 - the most current review of the family's eligibility
- the receiving province will assist in securing needed services, assessing an ongoing need for the assistance and if required negotiating or renewing a Post -adoption Assistance Agreement.

PRACTICE STANDARD 67

Responsibilities of the Child's Worker when the Adoption of a B.C. Child in Care is Completed in Another Province

Prior to the end of the post-placement period, you must:

- request a final progress report and recommendation from the receiving province
- when the final progress report recommends completion of the adoption, and you have determined that the adoption should be completed, forward it to Adoption Branch with a memo summarizing the placement and requesting the Director of Adoption's consent, and
- forward to the receiving province any additional documents required to complete the adoption.

After receiving the adoption order from the receiving province, you must provide the required notifications and distribute the adoption order as required in Practice Standard 64.

Commentary

As the child's placing worker, when the adoption placement occurs in another province or territory you retain guardianship of the child throughout the post-placement period. Although the adoption is completed in the receiving province, at the time of completion you are responsible for providing any documents required by the receiving province's legislation in order to complete the adoption of the child.

Guidelines

When the receiving province advises you that it is time to complete the adoption:

- request the final progress report including a recommendation regarding whether the receiving province thinks it is in the child's best interests for the adoption to be completed
- as guardian of the child, it is your decision in consultation with your supervisor/team leader as to whether the adoption should be completed
- inquire if any additional documents are required to complete the adoption in that province
- forward a copy of the final progress report that recommends completion of the adoption to Adoption Branch, and include:
 - a memo summarizing the placement, and a request for the Director of Adoption's consent
 - if the child was voluntarily placed through the ministry under the *Adoption Act* completed Parent or Guardian's Consent to Adoption (CF2655) for the Director of Adoption's signature (if the child is in the continuing custody of a director under the *CFCSA* the Director's consent will be completed at Adoption Branch)
- upon receipt of the Director of Adoption's signed consent, forward the following to the receiving province:
 - the Director of Adoption's Consent
 - any remaining documents required to complete the adoption
 - a request for a copy of the report to the court prepared for the adoption completion and a certified copy of the adoption order, once the adoption is completed
- place a copy of all documents forwarded to the receiving province on the (AH) file.

Upon receipt of the adoption order from the receiving province:

- provide the required notifications and distribute the adoption order as required in Practice Standard 64
- if the child has a claim under the *Criminal Injuries Compensation Act*, provide the adoptive parent(s) with the Criminal Injury Compensation Program claim number
- if an informal or formal openness agreement exists that involves the exchange of non-identifying information, finalize the openness exchange procedures (refer to Practice Standard 15)
- forward a copy of the adoption order to Adoption Branch
- place a copy of the adoption order on the (AH) file
- when all required notices have been provided and the adoption order distributed, complete the closing recordings which include a statement that the child's adoption records have been prepared in the other province and that the records retained for purposes of permanent access to the child are accessed through that province, and
- close the (CS), (AS) (where applicable) and (AH) files.

PRACTICE STANDARD 68

Pre-placement and Placement Responsibilities when a Child in the Care of a Provincial or Territorial Child Welfare Authority is Placed in B.C.

When you receive an inquiry from an originating province about the possibility of placing a child in their care with prospective adoptive parent(s) who reside in B.C., you must, within 30 days:

- carry out a preliminary assessment to determine the prospective adoptive parent(s)' interest in adopting the child and capacity to meet the needs of the child
- consult with your supervisor/team leader and regional manager responsible for adoption as to whether your community has the necessary services to support the adoption and whether your region is able to supervise the placement, and
- advise the originating province in writing if the placement seems viable and if you will conduct a written family assessment on the prospective adoptive parent(s).

When assuming responsibility for the placement in B.C. of a child in the care of another province or territory, you must:

- consult with the originating province about the proposed placement
- obtain from the originating province written notice of the proposed adoption plan
- provide the originating province with written acceptance of the proposed adoption plan
- within 6 months, complete a written family assessment on the prospective adoptive parent(s) with a recommendation regarding the placement, and
- prior to placement, meet all requirements of Practice Standard 50.

Commentary

Sometimes residents of B.C. who are family members or friends of a child who lives in another province become aware that the child has come into the care of a child welfare authority in that province. They may contact the ministry and request that you contact the child welfare authority in that province on their behalf to inquire if their family could be considered as an adoption placement for the child. The interprovincial protocol requires that the child welfare authority respond to your inquiry within 30 days, advising whether the child is available for adoption and whether the prospective adoptive parent(s) might be considered as a possible adoption placement for the child. If they believe the prospective adoptive parent(s) are a possible placement for the child, they are required to provide information about any adoption subsidy that might be available for the child and to request from you a preliminary assessment and estimate of the family's capacity to meet the needs of the child.

When a child in the care of a child welfare authority in another province or territory is placed for adoption in B.C., the ministry may be asked to supervise the placement. If the originating province permits a licensed B.C. adoption agency to work with prospective adoptive parent(s) who are adopting a child in their care, the placing province retains responsibility for ensuring its requirements are met. In this case the ministry has no role in the adoption process, but advises the originating province that agencies have no resources to provide foster care services or funds to repatriate a child. However, the originating province will usually require that the placement be supervised by the ministry, and may contact Adoption Branch for assistance in identifying the district office where the child is to reside. When a child from another province or territory who is being placed for adoption in B.C. is not under the permanent

guardianship of a child welfare authority, then section 48 of the *Adoption Act* applies (refer to Chapter 12).

When you receive an inquiry from an originating province about a possible adoption placement in B.C. of a child in their care, the interprovincial protocol requires that you respond within 30 days. Within this time limit, you are required to conduct a preliminary assessment of the B.C. family, and advise the originating province in writing if the placement seems viable, and if you will conduct the written family assessment. When determining whether the placement seems viable, consult with your supervisor/team leader and regional manager responsible for adoption. They must be involved in the decision as to whether your community has the necessary services to support the adoption and whether your region is able to supervise the placement.

Once a tentative adoption plan has been reached, the originating province provides written notice of the proposed adoption plan that includes information about the child and a request to provide specific services. It is your responsibility to respond to this letter by sending the originating province written agreement with the proposed adoption plan. The interprovincial protocol requires that you complete the family assessment within 6 months of agreeing to a tentative adoption plan, unless otherwise negotiated with the originating province.

When the ministry accepts supervision of a child in the care of a provincial or territorial child welfare authority, the guardianship of the child remains with that child welfare authority until the adoption order is granted. It is essential to consult with the originating province about all aspects of the adoption plan and to have a clear understanding about the terms of the plan and your role in the placement. The originating province has the responsibility of making all final decisions about the child; your role essentially is to make recommendations, provide the originating province with reports, supervise the care of the child placed and, where requested, complete the adoption according to British Columbia law.

Guidelines

When you receive an inquiry from an originating province about the possibility of placing a child in their care with prospective adoptive parent(s) who reside in B.C.:

- determine if the child is under the permanent guardianship of a provincial or territorial child welfare authority or under their guardianship by adoption consent or if the child is in the care of an agency which has been approved or licensed to place a child for adoption but which cannot provide for the long term care of the child
 - when the agency is not approved or licensed to provide for the long term care of the child, section 48 of the *Adoption Act* applies (refer to Chapter 12)
- carry out a preliminary assessment of the prospective adoptive parent(s) to determine their interest in adopting the child and to estimate their capacity to meet the needs of the child
- determine whether the prospective adoptive parent(s) are prepared to proceed with the adoption plan and are requesting an adoption subsidy
- discuss with your supervisor/team leader and regional manager responsible for adoption whether or not your community has the necessary services to support the adoption and whether your region is able to supervise the placement
- if your supervisor/team leader and regional manager responsible for adoption agree with you that the placement seems viable, advise the originating province in writing that you will conduct the written family assessment, and
- open an (AH) file.

After agreeing to a tentative adoption plan:

- consult with the originating province and request written notice of the proposed placement that clearly defines the originating province's expectations of supervision and support services
- advise the originating province of aspects of the *Adoption Act* which may affect the adoption placement and completion, such as:
 - the child's right to revoke consent to adoption at any time before the adoption order is made
 - the requirement to notify, at least 30 days before the date set for hearing an application for an adoption order, any person who has access rights to the child by court order or by an agreement enforceable as an order under the *Families Relations Act*
 - the requirement when a child is placed by adoption consent to make reasonable efforts to give notice of the proposed adoption to:
 - anyone who is named by the birth mother as the child's father if his consent is not required under section 13 of the *Act*
 - anyone who is registered in the Birth Father's Registry in respect of the proposed adoption
- provide to the originating province written acceptance of the proposed adoption plan, confirming you will conduct a written family assessment, supervise the placement, carry out the agreed upon plan and complete the adoption if requested
- obtain from the originating province information about any adoption subsidy (post-adoption assistance) which might be available to the prospective adoptive parent(s):
 - share this information with the prospective adoptive parent(s)
 - if applicable, advise the originating province of the availability of needed services and provide an estimate of their costs
- determine if the originating province has an adoption placement agreement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving province and/or the prospective adoptive parent(s)
- complete the written family assessment:
 - according to Practice Standard 44, and
 - include a recommendation concerning the placement
- forward a copy of the family assessment, with all required signatures to the originating province.

If after reading the family assessment, the originating province proposes the adoption of the child with the prospective adoptive parent(s):

- meet all of the requirements of Practice Standard 50
- with the originating province, develop a written adoption placement plan (the interprovincial protocol requires that a written adoption placement plan similar to B.C.'s comprehensive plan of care be developed between the originating and receiving provinces)
- ensure the adoption placement plan:
 - meets the requirements of the child's originating province
 - in accordance with the interprovincial protocol, includes the following:
 - arrangements for pre-placement visits
 - provision to supervise and support the placement as required
 - a time frame to complete the adoption
 - provision for openness agreements if applicable

- provision for an adoption subsidy if applicable
- confirmation as to where and when the adoption will be completed.
- if the originating province does not have an agreement comparable to the Adoption Placement Agreement, advise prospective adoptive parent(s) that the originating province:
 - will transfer care and custody of the child to them, and
 - is responsible for defining the responsibilities to the child of the prospective adoptive parent(s) and of the child welfare authority who is guardian of the child during the post-placement period
- if requested, assist in assessing the prospective adoptive parent(s)' eligibility for an adoption subsidy and in negotiating an adoption subsidy agreement (post-adoption assistance) on behalf of the originating province.

PRACTICE STANDARD 69

Post-placement Responsibilities of the Adoption Worker for the Prospective Adoptive Parent(s) when a Child in the Care of a Provincial or Territorial Child Welfare Authority is Placed in B.C.

After a child in the care of a provincial or territorial child welfare authority is placed in B.C., you must:

- meet the applicable requirements of Practice Standards 57 and 58
- register the child with Adoption Branch
- provide the originating province with:
 - a copy of the prospective adoptive parent(s)' notice of placement, and
 - progress reports.

If the child indicates that he or she wishes to revoke consent, you must meet the requirements of Practice Standard 42.

If there is a disruption of the placement, in addition to meeting the applicable requirements of Practice Standard 58, you must contact the child's originating province.

When prospective adoptive parent(s) residing in another province move to B.C. during the post-placement period with a child who was placed with them for adoption, at the request of the originating province, you must:

- develop, in collaboration with the originating province, a plan for completion of the adoption
- meet any of the requirements listed above that apply
- upon request from the originating province, confirm in writing that services to supervise the child and complete the adoption, based on the plan, will be provided, and
- maintain contact with the prospective adoptive parent(s) regarding the need for an adoption subsidy, and forward reports to the originating province as required.

Commentary

After a child in the care of a provincial or territorial child welfare authority is placed in B.C., under the interprovincial protocol, supervision of the placement is based on the adoption placement plan negotiated by the originating and receiving provinces. The agreement also specifies that when an originating province is requesting services from a receiving province, the originating province agrees to pay for any adoption subsidy (post-adoption assistance).

Adoption Act
s. 21(2)

A child placed for adoption in B.C., who has given consent to the adoption in another jurisdiction, may still revoke his or her consent at any time before the adoption order is granted, regardless of the law in that jurisdiction.

When prospective adoptive parent(s) residing in another province plan to move to B.C. during the post-placement period with a child who was placed with them for adoption by a provincial or territorial child welfare authority, you must be provided with 30 days' prior notice of the move. The interprovincial protocol provides for required timelines and lists the documents which must be forwarded by the originating province.

Guidelines

When the child is placed with the prospective adoptive parent(s), open a (CS) file in the child's name by birth.

When meeting the applicable requirements of Practice Standard 57:

- at the originating province's request, if an adoption subsidy (post-adoption assistance) agreement was not completed prior to placement, assist in completing an agreement
- forward a copy of the Notice of Placement(CF1023) to the originating province, and
- ensure that the prospective adoptive parent(s) have received documentation from the originating province confirming placement of the child and consent to medical care.

When registering the child, send copies of the following to Adoption Branch:

- Registration of Child for Adoption(CF2135)
- if you have not already done so, the prospective adoptive parent(s)' Application to Adopt (CF1013) and Adoption Questionnaire (CF1048), and
- the Notice of Placement (CF1023).

When providing the originating province with progress reports:

- progress reports are completed according to the standards and time frames required by the originating province
- clarify the information the originating province requires in the reports
- sign the progress reports and obtain your supervisor's/team leader's signature
- forward all progress reports at the intervals agreed on with the originating province, and
- forward any assessments or follow-up reports on the child, obtained after placement, to the originating province.

If any reportable circumstance occurs:

- meet the applicable requirements of Practice Standard 58, and
- send notice of the reportable circumstance to the child's originating province.

If there is a disruption of the placement:

- meet the applicable requirements of Practice Standard 58
- notify the originating province of an emergency placement as soon as possible and within 7 days
- make any non-emergency placement changes in consultation with the originating province
- consider the following factors, in consultation with the originating province, when determining if the child should remain in B.C. or return to the originating province
 - the length of time the child has been in B.C.
 - the residence of parent(s), guardians and other significant family members
 - the child's preferences
 - the needs of the child and the ability of each province to meet them, and
 - for an Aboriginal child, access to his or her cultural heritage
- after considering the above:
 - renegotiate with the originating province a plan of care that is in the best interests of the child, and

- if you agree that it is in the child's best interests to return the child to his or her originating province, the originating province facilitates the return of the child.

When prospective adoptive parent(s) residing in another province, move to B.C. during the post-placement period with a child who was placed with them for adoption:

- develop a plan for completion of the adoption with the originating province (refer to Practice Standard 66 for information included in the plan)
- within 30 days, the originating province will forward to you information and documentation on the child and prospective adoptive parent(s) (refer to Practice Standard 66 for a list of the information they will provide)
- at the request of the originating province, maintain contact with the prospective adoptive parent(s) concerning the need for an adoption subsidy and, as required, assist in securing needed services and forward reports to the originating province.

PRACTICE STANDARD 70

Completing the Adoption in B.C. of a Child in the Care of a Provincial or Territorial Child Welfare Authority

Prior to the end of the post-placement period and within one year of the child's placement, you must:

- complete the Summary Recording as described in Practice Standard 61
 - include a recommendation as to whether the adoption should be completed
 - forward a copy to the originating province as the final progress report
- prepare and gather all documents for completion as described in Practice Standard 59, including:
 - the Report on a Younger Child's Views, if the child is at least 7 years of age and less than 12 as required in Practice Standard 60, and
 - the Post-placement Report as required in Practice Standard 62.

After receiving the adoption order you must:

- provide the required notifications and distribute the adoption order as required in Practice Standard 64, and
- within 30 days send copies of the adoption order and the Post-placement Report to the originating province.

Commentary

The adoption of a child in the care of a provincial or territorial child welfare authority is usually completed in the receiving province. However, the legislation in some provinces and territories allows for the completion of an adoption outside of their province or territory, and they may prefer to complete their own adoptions for the children in their care.

Under the interprovincial protocol, as a general rule, the province that assumes responsibility for completing the adoption proceeds to court for the adoption order within one year from the date the child was placed for adoption, unless otherwise negotiated. Practice Standard 57 requires that an adoption be completed wherever possible at the conclusion of the 6-month residency period, and within 12 months of placement. However, as the originating province is guardian of the child, the adoption should be completed within their recommended time frames as described in the adoption placement plan.

When you are asked to complete the adoption of a child in the care of a provincial or territorial child welfare authority, you are responsible for informing the originating province about legislation and policies that need to be considered to complete the adoption under B.C.'s *Adoption Act*. It is your responsibility to ensure the documentation necessary to complete the adoption is received from the originating province.

Guidelines

When preparing and gathering the required documents for completion:

- request from the originating province:
 - the guardian's consent to the adoption
 - any other documents required to complete the adoption, and
- meet all applicable requirements of Practice Standard 59.

After receiving the adoption order, when providing the required notifications and distributing the adoption order:

- meet the requirements of Practice Standard 64, and
- within 30 days send a certified copy of the adoption order and a copy of the Post-placement Report to the originating province.

CHAPTER 11:

Direct Placements

The *Adoption Act* provides birth parent(s) with the option of placing their child directly with prospective adoptive parent(s) whose identities are known to them rather than with prospective adoptive parent(s) approved by the ministry or by a licensed British Columbia adoption agency.

The standards in this chapter define the role and responsibilities of adoption workers providing adoption services in a direct placement. As the ministry's adoption program focuses on the adoption of children in the ministry's care, in most cases the involvement of adoption workers in a direct placement is limited to providing information to the inquiring public and advising them to access services from a licensed British Columbia adoption agency.

PRACTICE STANDARD 71

Providing Information and Meeting the Pre-placement Requirements with Prospective Adoptive Parent(s) in a Direct Placement

When prospective adoptive parent(s) or guardian(s) are considering an adoption by direct placement you must:

- provide them with information about:
 - direct placements
 - the services provided by the ministry
 - the pre-placement requirements of the *Adoption Act* and
- advise them that it is their responsibility and that of their lawyer to ensure they meet the pre-placement requirements.

As soon as possible after receiving notice from prospective adoptive parent(s) of their intent to receive a child into their home for adoption, you must:

- arrange for an adoption worker to meet with the birth parent(s) to provide information about adoption and the alternatives to adoption and to obtain as much information as possible about the medical and social history of the child and the child's birth family
- complete the pre-placement assessment report:
 - give the prospective adoptive parent(s) a copy
 - ensure that the birth parent(s) are provided with a copy
- provide prospective adoptive parent(s) with information about the medical and social history of the child and the child's birth family, and preserve a copy for the child, and
- after completing the above, obtain your supervisor's/team leader's signature acknowledging that your responsibilities under section 8 of the *Adoption Act* have been fulfilled.

Commentary

Adoption Act
s. 8(1)

The *Adoption Act* requires that prospective adoptive parent(s), as soon as possible before a direct placement, notify the Director of Adoption of their intent to receive a child into their home for adoption. The *Adoption Regulations* requires that written notice be made in the form prescribed in Schedule 3. Notice is not legally received until the ministry receives notice in writing.

Adoption Reg.
s. 6(1)

Adoption Act
s. 8

According to the *Act* prior to the placement of the child, your role is to assess the prospective adoptive parent(s)' skills and capacity to meet the needs of the child, and to gather and share essential information, which enables birth parent(s) and prospective adoptive parent(s) to make informed decisions. To avoid any conflict or perceived conflict of interest, preferred practice is to have separate adoption workers providing service to the birth parent(s) and to the prospective adoptive parent(s) (refer to Practice Standard 1).

Adoption Act
s. 9

The *Act* also describes the conditions related to direct placement. These include the requirements that birth parent(s) receive a copy of the pre-placement assessment done on the prospective adoptive parent(s), and that prospective adoptive parent(s) receive a copy of the medical and social history of the child's birth family. In addition, prospective adoptive parent(s) must make reasonable efforts to obtain any required consents and to give notice of the proposed adoption to anyone named by the birth mother as the child's birth father if his

consent is not required, and to anyone registered on the Birth Father's Registry in respect of the proposed adoption.

Adoption Act
s. 82(3)

Anyone who receives a child for adoption before notifying the Director of Adoption of their intent to receive a child in their home for adoption and before being authorized to receive a child under section 9, is committing an offence under the *Adoption Act*

Adoption Act
s. 28

When birth parent(s) or other guardian(s) consent to adoption, the prospective adoptive parent(s) are named in the consent and become joint guardian(s) of the child with the birth parent(s). Form 2 in Schedule 3 of the *Adoption Regulation* prescribes the consent form used in a direct placement. The joint guardianship terminates when the adoption order is made, or when consent to adoption is revoked or the court declares that the prospective adoptive parent(s)' status as joint guardian is terminated.

The legislation concerning direct placement assumes that the circumstances of the birth parent(s) and prospective adoptive parent(s) are known to one another. For that reason, instead of a requirement for prospective adoptive parent(s) to have a full written family assessment prior to placement, a briefer pre-placement assessment of the prospective adoptive parent(s) is required. When birth parent(s) and prospective adoptive parent(s) do not have a previous relationship, best practice is to complete a full homestudy (education and structured family assessment components) of the prospective adoptive parent(s).

If an individual introduces the birth parent(s) to someone who may wish to adopt their child, it is not an offence unless that person receives payment or participates in the placement or arranges the placement.

Guidelines

When providing information to prospective adoptive parent(s) about direct placements, include the following:

- prospective adoptive parent(s) must be resident(s) of British Columbia before they can receive a child for the purposes of adoption (for a definition of residency refer to the eligibility requirements in Practice Standard 43)
- if the child is not a resident of British Columbia, section 48 of the *Adoption Act* applies (refer to Chapter 12)
- if the child is a relative, the requirements of a direct placement do not apply, and prospective adoptive parent(s) should seek independent legal advice
- birth parent(s) may transfer care and custody of the child to prospective adoptive parent(s) after the pre-placement requirements have been met and, if desired, before consents have been signed
- when birth parent(s) sign consents, prospective adoptive parent(s) become joint guardians of the child with the birth parent(s) until the adoption order is granted, a consent is revoked or the court terminates the prospective adoptive parent(s)' guardianship
- the names of prospective adoptive parent(s) appear on the consent; therefore birth parent(s) are provided with identifying information about the prospective adoptive parent(s)
- the legal risk of revocation (refer to Practice Standard 42)
- the post-placement requirement to provide the director or a licensed B.C. adoption agency with notice of placement within 14 days after placement and notice of application at least 30 days before the date set for hearing an application (refer to Practice Standard 74), and

- anyone who receives a child for adoption before completing the pre-placement requirements is committing an offence under section 82 of the *Adoption Act* (refer to Practice Standard 9).

When providing information about ministry services, include the following:

- adoption services for direct placements may be provided by the ministry or by a licensed British Columbia adoption agency
- the approximate amount of time it may take to complete the pre-placement assessment and to provide the services to the birth parent(s) or other guardian
- licensed adoption agencies are able to provide more timely service for applications regarding direct-placements
- the relevant service fees (refer to Practice Standard 11 and the fee schedule in *Administrative Procedures and Guidelines for Adoption*)
- prospective adoptive parent(s) are not required but are encouraged to attend adoption education sessions provided through the ministry, after paying the service fees for a direct placement.

Advise the prospective adoptive parent(s) of the following pre-placement requirements in a direct placement:

- as soon as possible before a direct placement, the prospective adoptive parent(s) must notify the Director of Adoption in writing of their intent to receive a child in their home for adoption
- birth parent(s) are provided with information about adoption and the alternatives to adoption
 - if a guardian is placing the child, the guardian and any living birth parent(s) of the child are provided with information about adoption and the alternatives to adoption
- medical and social history is gathered from the birth parent(s) and provided to the prospective adoptive parent(s)
- a pre-placement assessment of the prospective adoptive parent(s) is completed and a copy of the assessment provided to the birth parent(s), and
- the child is counselled about the effects of adoption and, if 12 years of age or over, is informed about the right to consent to the adoption.

Advise the prospective adoptive parent(s) that they may receive a child by direct placement after the above pre-placement requirements have been met and after they and their lawyer have:

- made reasonable efforts to obtain required consents, including the consent of any living birth parent and of the child's guardian when the child is being placed by a guardian
- made reasonable efforts to give notice of the proposed adoption to:
 - anyone who is named by the birth mother as the child's birth father, and
 - anyone who is registered in the birth fathers' registry in respect of the proposed adoption.

Steps to follow when written notice of intent to receive a child by direct placement is received from the prospective adoptive parent(s):

1. If the written notice is not in the form of the Notice of Intent to Receive a Child by Direct Placement (CF2659), provide the form to the prospective adoptive parent(s)
 - determine whether the proposed adoption is a direct placement rather than a relative, intercountry or interprovincial adoption (section 48).
2. If a guardian is placing the child, request a copy of the court order establishing that they were granted guardianship of the child.
3. Open an (AH) file to provide service.

4. Place the Notice of Intent to Receive a Child by Direct Placement (CF2659) on the (AH) file.
5. Acknowledge receipt of the Notice of Intent to Receive a Child by Direct Placement in writing (contact Adoption Branch for a sample letter) and place a copy of the acknowledgement on the (AH) file.
6. The pre-placement assessment is a shorter assessment than that done as part of the homestudy process because it is assumed that there is a previous relationship between the birth parent(s) and the prospective adoptive parent(s). Determine if such a relationship exists and, if not, whether completing the full homestudy (education and structured family assessment components) would be better practice, in which case, the format for the written family assessment would be that of the pre-placement assessment.
7. Provide the prospective adoptive parent(s) with a Pre-placement Assessment Application (CF2660).
8. Obtain the relevant service fees for a pre-placement assessment or for the homestudy process (refer to Practice Standard 11 and the fee schedule in *Administrative Procedures and Guidelines for Adoption*).
9. Advise the prospective adoptive parent(s) that payment of the birth parent(s)' expenses is regulated and they should be familiar with what is permitted:
 - section 10 of the *Adoption Regulation* clarifies payments that prospective adoptive parent(s) may provide for birth parent(s)' expenses
 - section 17 of the *Regulation* requires that at the time of the adoption completion, prospective adoptive parent(s) complete and file with the court the Birth Parent Expenses Affidavit (CF2720), which verifies the amounts they have paid to or on behalf of the birth parent(s).
10. Arrange for another adoption worker to meet with the birth parent(s) to provide information about adoption and the alternatives to adoption and to obtain as much information as possible about the medical and social history of the child's biological family.
11. Complete the Pre-placement Assessment Report (refer to Practice Standard 72).
12. Discuss with the prospective adoptive parent(s) the content of the report.
13. Distribute the Pre-placement Assessment Report as required in this standard.
14. Inform the prospective adoptive parent(s) when a copy of the Pre-placement Assessment Report has been provided to the birth parent(s).
15. Place a copy of the report on the (AH) file.

When providing the prospective adoptive parent(s) with information about the medical and social history of the child and the child's birth family:

- after the medical and social history on the child and birth parent(s) is gathered from the birth parent(s) and received from their adoption worker, provide the original information to the prospective adoptive parent(s) and place copies on the (AH) file to preserve for the child
- if appropriate, advise the prospective adoptive parent(s) to discuss the child's medical information and any other pertinent information with their medical practitioner and/or other specialists, and
- if you have concerns about the quality or quantity of information provided:
 - discuss these concerns with the prospective adoptive parent(s), including the importance of this information to the adopted person and the risks related to lack of information regarding medical or genetic family history, pre-natal and post-natal care, and
 - record your concerns and the content of your discussion on the (AH) file.

After the pre-placement requirements have been met:

- obtain your supervisor's/team leader's signature on the Checklist for Information to be Collected for the Summary Recording/Post-placement Report – Direct Placement (contact Adoption Branch for a copy) acknowledging that your responsibilities under section 8 of the *Adoption Act* have been fulfilled
- inform the prospective adoptive parent(s) of the post-placement requirement in a direct placement to provide notice of placement and notice of application to the director or a licensed B.C. adoption agency (refer to Practice Standard 74)
- bring forward the (AH) file for 6 months, and
- if at the end of 6 months the district office has not received notice of placement, close the (AH) file.

When a child is placed before completion of the pre-placement requirements:

- complete the pre-placement assessment as soon as possible in order to:
 - provide it to the birth parent(s) where applicable, within 30 days of the child's birth, so that the birth mother may still revoke her consent if she decides to do so on the basis of information in the pre-placement assessment
 - determine whether there are risks to the safety or well-being of the child which warrant action under the *CFCSA*
 - gather background information to be preserved for the child
- report the contravention of the *Act* immediately to the Director of Adoption.

PRACTICE STANDARD 72

Completing the Pre-placement Assessment Report in a Direct Placement

When completing the Pre-placement Assessment Report on prospective adoptive parent(s) in a direct placement, you must:

- include information gathered from the following sources:
 - the Pre-placement Assessment Application
 - criminal record searches
 - prior contact checks
 - physician's reports
 - a minimum of four references
- conduct an impartial assessment process which includes:
 - at least one personal interview with each prospective adoptive parent and one joint interview if there are two applicants
 - at least one interview with all members of the family together
 - at least one interview held in the prospective adoptive parent(s)' home
 - a private, separate interview with each child living in the home, and
- prepare a written report, which includes all of the requirements outlined in section 7 of the *Adoption Regulation*

You must complete the pre-placement assessment within 4 months after all required documentation, as described above, has been gathered. If the pre-placement assessment cannot be completed within 4 months, you must:

- document the reasons for the delay, and
- obtain the approval of your supervisor/team leader.

Commentary

Adoption Act
s. 8(2)(d)

As soon as possible after being notified by prospective adoptive parent(s) of their intent to receive a child in their home by direct placement, a pre-placement assessment of the prospective adoptive parent(s) is prepared. The pre-placement assessment in a direct placement addresses the prospective adoptive parent(s)' ability to provide for the physical and emotional needs of a child and assesses whether the placement could pose a risk to the child's safety and well being and whether there are issues that could limit the ability of the prospective adoptive parent(s) to nurture and care for the child. The requirements of the assessment are described in the *Adoption Regulation* and include, but are not limited to, an assessment of the prospective adoptive parent(s)' drug and alcohol use, criminal and child protection history, health, parenting skills and understanding of the child's need to maintain his or her cultural heritage.

Adoption Reg.
s. 7(1)

The pre-placement assessment is briefer than the full homestudy process as it is intended to add to information the birth parent(s) already have, based on their personal knowledge of the prospective adoptive parent(s). The written pre-placement assessment does not provide the birth parent(s) with a recommendation on the placement, but provides an assessment of the apparent strengths and limitations of the proposed placement to help the birth parent(s) reach a decision. Because of the limited nature of the pre-placement assessment, the birth parent(s) assume greater responsibility than in a ministry placement in determining the prospective adoptive parent(s)' abilities and the suitability of the

placement. When the birth parent(s) and prospective adoptive parent(s) do not have a previous relationship, best practice is to complete a full homestudy (education and written family assessment components) of the prospective adoptive parent(s). In this case, the format for the written family assessment would be that of the pre-placement assessment.

Guidelines

Steps for gathering the required information:

1. Obtain from the prospective adoptive parent(s) the completed Pre-placement Assessment Application (CF2660) which includes a consent to disclosure of information.
2. Ask prospective adoptive parent(s) and other adult members of their household to provide information on criminal charges and records:
 - by completing the Criminal Record Information (CF2002)
 - by requesting a criminal record search from the local police or RCMP detachment, (for information on conducting a criminal record search, refer to Practice Standard 44)
 - when the local index indicates that a record exists, refer to Practice Standard 46 for steps in acquiring a full criminal record search and assessing the criminal record information.
3. Conduct a prior contact check including a check for previous protocol investigations.
4. Obtain from any other adult member of the household a Consent to Disclosure of Information (CF0609) and conduct a prior contact check for all members of the household (refer for direction in the MCF User Guide).
5. Provide each prospective adoptive parent with a Physician's Report on Adoptive Applicant (CF0605) for completion by their medical practitioner, registered and licensed by the College of Physicians and Surgeons of British Columbia
 - inform them that any fees for completing the report are their responsibility
 - refer to Practice Standard 46 when assessing the results of the Physician's Report on Adoptive Applicant.
6. Send each of the four references named by the prospective adoptive parent(s) a Request for Reference and a Reference Outline (CF1036) as instructed in Practice Standard 44, and refer to Practice Standard 46 when assessing the references.
7. Retain copies of all documents on the (AH) file.

When interviewing the prospective adoptive parent(s):

- visit the environment where the child will live to determine whether there are health or safety risks present
- conduct at least one personal interview with each prospective adoptive parent and one joint interview if there are two applicants
- conduct at least one interview with all members of the family together
- if the prospective adoptive parent(s) have children living in the home, interview each child privately to assess the development of the children as an indication of the prospective adoptive parent(s)' ability to meet the physical and emotional needs of a child, and
- explore any issues in the prior contact check, criminal record search, physician's report and references which may indicate limitations on the prospective adoptive parent(s)' ability to protect, nurture and care for the child and advise the prospective adoptive parent(s) of any information that will be included in the pre-placement assessment.

When the prospective adoptive parent(s) already have a current approved ministry or non-ministry written family assessment, which complies with section 3 of the *Adoption Regulation*:

- information from the written family assessment may be used in preparing the Pre-placement Assessment Report
- interview the prospective adoptive parent(s) to assess whether there have been changes to their circumstances since the written family assessment was completed that are relevant to their ability to protect, nurture and care for the child
- a criminal record search no older than 9 months and a prior contact check no older than 30 days are required at the time of the adoption placement.

If the child has already been placed with the prospective adoptive parent(s) and the pre-placement assessment indicates the child may not be safe:

- report the matter immediately to a person designated under the *CFCSA* to determine if the child is in need of protection
- advise your supervisor/team leader in writing of the potential risk and the action taken and seek guidance as required in the completion of the pre-placement assessment, and
- complete the pre-placement assessment, clearly identifying the known facts that resulted in your assessment that the child may not be safe in the home of the prospective adoptive parent(s).

Preparing the Pre-placement Assessment Report

Use the following guidelines to prepare the Pre-placement Assessment Report. If concerns arise about the information you have gathered or during the personal interviews, consult with your supervisor/team leader.

Personal information

- Include the name of the applicant(s), and the date the child was born or expected to be born.

Reasons for adoption

- State whether there are issues related to the prospective adoptive parent(s)' reasons for adopting which might limit their ability to meet the needs of the child.
- If issues are identified, summarize how they might affect the prospective adoptive parent(s)' ability to meet the needs of the child.

Personal aspects of the prospective adoptive parent(s)

- Describe the physical and mental health of the prospective adoptive parent(s) in relation to their ability to protect, nurture and care for the child.
- Describe the results of the Physician's Report on Adopting Parents, attesting to the prospective adoptive parent(s)' mental and physical health.
- Provide an assessment of whether the prospective adoptive parent(s)' past or current use of drugs or alcohol might limit their ability to protect, nurture and care for the child.
- Confirm that a criminal record search has been completed and provide any results that are relevant to the prospective adoptive parent(s)' ability to protect, nurture and care for the child.
- State whether a prior contact check of ministry records found information that might indicate limitations on the prospective adoptive parent(s)' ability to protect, nurture and care for the child. If the prospective adoptive parent(s) have had a child in their care found to be in need of protection, include this information.
- Include relevant information obtained from the personal references.

Children of the prospective adoptive parent(s)

- Provide an assessment as to whether the developmental, social and behavioral progress of other children in the family indicates that the prospective adoptive parent(s) have the ability to protect, nurture and care for a child.
- If there is a child not living in the home, whether they are of this relationship or a previous one, provide the reason the child is living apart from the parent(s), the child's degree of involvement with the family, and the parent(s)' financial responsibility for the child.

Other members of the household

- Confirm that a criminal record search has been completed for the other adult members of the household. Include any results relevant to the prospective adoptive parent(s)' ability to protect, nurture and care for the child.
- State whether a prior contact check of ministry records has found information regarding other members of the household that might be a factor in the prospective adoptive parent(s)' ability to protect, nurture and care for the child.
- Include information from the Health History section of the Pre-placement Assessment Application (CF2660) that is relevant to the prospective adoptive parent(s)' ability to protect, nurture and care for the child.

Child to be adopted

- Describe the prospective adoptive parent(s)' plan for childcare should this be necessary due to employment or illness of the parent.
- If the child is unborn at the time of the pre-placement assessment, describe the prospective adoptive parent(s)' willingness and ability to proceed with the placement should the child be born with special needs.
- If the proposed placement is cross-cultural, assess the prospective adoptive parent(s)' ability to help the child appreciate his or her cultural heritage and to integrate it into their lives.
- If the proposed placement is for an Aboriginal child, describe the prospective adoptive parent(s)' plan to preserve the child's Aboriginal cultural identity.
- Describe what methods of discipline the prospective adoptive parent(s) anticipate using with their child.

Other factors

Provide an assessment of any other factor that has been identified as a potential strength or limitation to the prospective adoptive parent(s)' ability to provide for the proposed child's physical and emotional needs.

When concluding the Pre-placement Assessment Report

Conclude with your name and signature, your supervisor's/team leader's name and signature, the names and signatures of the prospective adoptive parent(s), your district office address, and the date the report was signed. If prospective adoptive parent(s) are uncomfortable with the assessment and refuse to sign it, advise them that section 8 of the *Adoption Act* requires that a copy of the assessment be provided to the birth parent(s).

PRACTICE STANDARD 73

Meeting the Pre-placement Requirements with the Birth Parent(s) in a Direct Placement

When providing adoption services to birth parent(s) in a direct placement you must provide information about:

- adoption and the alternatives to adoption
- direct placements and the pre-placement requirements, and
- their right and opportunity to seek independent legal advice.

Prior to placement, you must:

- obtain as much information as possible about the medical and social history of the child and the child's birth family:
 - preserve the information for the child, and
 - ensure that the prospective adoptive parent(s) are provided with the information
- ensure the child:
 - has been counselled about the effects of adoption
 - if 12 years of age or over, has been informed about the right to consent to the adoption
- provide the birth parent(s) with a copy of the Pre-placement Assessment Report on the prospective adoptive parent(s), and
- after completing the above, obtain your supervisor's/team leader's signature acknowledging that your responsibilities under section 8 of the *Adoption Act* have been fulfilled.

Commentary

Adoption Act
s. 8(2)(a)

The *Adoption Act* requires that birth parent(s) are provided with information about adoption and its alternatives.

Adoption Act
s. 8(2)(b)(c)

Gathering and preserving the medical and social history of the child and the child's birth family in a direct placement is a legal requirement based on the future need of the child for this information. The *Act* requires this information be gathered and provided to prospective adoptive parent(s) prior to the adoption placement. The information is retained by the ministry and may be made available to the child in the future.

To avoid any conflict or perceived conflict of interest, preferred practice is to have separate adoption workers providing service to the birth parent(s) and to the prospective adoptive parent(s) (refer to Practice Standard 1)

Guidelines

When providing information to birth parent(s) about adoption and the alternatives to adoption:

- meet the requirements of Practice Standard 30, with the following additions:
 - when informing birth parent(s) that temporary short-term foster care may be an alternative to adoption, include the following:
 - the Birth Parent Agreement is not appropriate in a direct placement because of the transfer of care and custody to the Director of Adoption

- the option of entering into a Voluntary Care Agreement may be considered when they indicate they wish to parent the child, but require time to implement the plan
- advise birth parent(s) of an Aboriginal child of the following:
 - the importance to the child of involving in the adoption plan their Band or the Aboriginal community with which they identify
 - the availability of Aboriginal counselling services, and
 - the option of a custom adoption (refer to Practice Standard 4) and that if they are considering this option they should seek independent legal advice.

When providing information to birth parent(s) about direct placements and the pre-placement requirements, include the following:

- if the prospective adoptive parent(s) are relatives of the child, the requirements of a direct placement do not apply and they should seek independent legal advice
- the *Adoption Act* requires that prior to placement:
 - medical and social history is gathered, provided to the prospective adoptive parent(s) and preserved for the child
 - a pre-placement assessment of prospective adoptive parent(s) is completed and a copy of the assessment is given to the birth parent(s) to provide them with information to make an informed decision
 - the child is counselled about the effects of adoption and if 12 years of age or over is informed about the right to consent to adoption
 - prospective adoptive parent(s) are required by legislation to make reasonable efforts:
 - to obtain required consents
 - to give notice to anyone named by the birth mother as the child's birth father, if his consent is not required
 - to give notice to anyone registered on the Birth Father's Registry as the child's birth father
- birth parent(s) may transfer care and custody of the child to prospective adoptive parent(s) after the pre-placement requirements have been met and if desired before consents have been signed
- when birth parent(s) sign consents, prospective adoptive parent(s) become joint guardians of the child with the birth parent(s) until the adoption order is granted, a consent is revoked or the court terminates the prospective adoptive parent(s)' guardianship
- the names of the prospective adoptive parent(s) appear on the consent; therefore birth parent(s) will have identifying information
- birth parent(s) have rights to revoke consent (refer to Practice Standard 42), and if a conflict arises from a revocation, the involved individuals will be required to seek independent legal advice, and
- anyone who receives a child for adoption before completing the pre-placement requirements is committing an offence under section 82 of the *Adoption Act* (refer to Practice Standard 9).

When ensuring that the child has been counselled about the effects of adoption:

- refer to Practice Standard 1 to ensure that the child's best interests are represented in an unbiased and independent manner
- you may provide the counselling, or the counselling may be done by a person authorized by section 16(1) of the *Adoption Regulations* to complete the report on a younger child's views (refer to Practice Standard 60)

- if you are not the person who counsels the child, request that the prospective adoptive parent(s) provide written confirmation from the person who counsels the child that the requirements of the *Adoption Act* have been met
- if you are counselling the child:
 - refer to the guidelines in Practice Standard 25, and
 - inform an Aboriginal child who is 12 years of age or older of the value of involving in the adoption plan his or her Band or the Aboriginal community with which he or she identifies.

Steps to follow when you are advised that prospective adoptive parent(s) have provided written Notice of Intent to Receive a Child by Direct Placement:

1. If a Notice of Intent to Receive a Child by Direct Placement (CF2659) is received from more than one prospective adoptive family regarding the same child, contact the birth parent(s) and clarify with which family the birth parent(s) intend to place their child.
2. Open an (AS) file to provide service to the birth parent(s).
3. If you have not already done so, provide the birth parent(s) with information about adoption and the alternatives to adoption and complete with the birth parent(s) the Birth Parent's or Guardian's Statement of Alternatives to Adoption to acknowledge that the information has been discussed (CF1025).
4. Obtain as much information as possible about the medical and social history of the child and the child's birth family by:
 - gathering, where appropriate, the information required in Practice Standard 22; however obtaining the child's Registration of Live Birth and any court orders are the responsibility of the prospective adoptive parent(s) and their lawyer
 - meeting the requirements of Practice Standard 23, and removing part 1 of the Child's Birth Family Medical and Social History (CF2670) as it may contain identifying information about a third party.
5. Provide the birth parent(s) with a copy of the Pre-placement Assessment Report on the prospective adoptive parent(s).
6. Place copies of all documents you have gathered on the birth parent(s)' (AS) file in order to preserve the information for the child.
7. Provide the prospective adoptive parent(s)' adoption worker with the medical and social history of the child and the child's birth family and request that you be notified when the information has been received by the prospective adoptive parent(s).
8. Notify the birth parent(s) when the medical and social history of the child and the child's birth family has been received by the prospective adoptive parent(s).
9. If, contrary to the *Adoption Act* the child is placed before the medical and social history is obtained:
 - obtain the information as soon as possible after you learn of the placement
 - provide the prospective adoptive parent(s)' adoption worker with the information
 - report the contravention of the *Act* to the Director of Adoption (see Practice Standard 9).
10. Obtain your supervisor's/team leader's signature on the Checklist for Information to be Collected for the Summary Recording/Post-placement Report – Direct Placement (contact Adoption Branch for a copy) acknowledging that your responsibilities under section 8 of the *Adoption Act* have been fulfilled.
11. Close the (AS) file after completing the pre-placement requirements.

If birth parent(s)' consent is revoked after a direct placement

- If a birth mother revokes her consent within 30 days after the child's birth, refer to the guidelines in Practice Standard 42.
- If a birth mother after the 30-day revocation period, or a birth father who has joint guardianship, wishes to terminate the placement prior to the granting of the adoption order, advise the person to seek legal advice.

PRACTICE STANDARD 74

Post-placement Responsibilities and Completing the Post-placement Report in a Direct Placement Adoption

After receiving written notice that a child has been placed by direct placement in the home of prospective adoptive parent(s) for the purpose of adoption, you must:

- determine whether the pre-placement requirements have been met
- if the pre-placement requirements were not met:
 - complete the pre-placement requirements of Practice Standard 71 as soon as possible
 - report the contravention to the Director of Adoption (refer to Practice Standard 9)
- visit the prospective adoptive parent(s) in their home within 5 working days after receiving notice
- inform the prospective adoptive parent(s) and/or their lawyer of the post-placement requirements.

When protection concerns are identified during the post-placement period, you must:

- report the matter immediately to a person designated under the *CFCSA* to determine if the child is in need of protection
- consult with your supervisor/team leader, and
- prepare a written report on the action taken for your supervisor/team leader and for the Director of Adoption.

At the conclusion of the post-placement period, and after receiving written notice of an application for an adoption order, you must:

- obtain required documents and information in preparation for completion of the Post-placement Report
- prepare:
 - if applicable and where requested, a Report on a Younger Child's Views
 - the Summary Recording, and
 - the Post-placement Report, which includes a recommendation from the Director of Adoption about whether an adoption order should or should not be granted, or a statement that there is insufficient information to make the recommendation
- complete the adoption:
 - wherever possible at the conclusion of the 6 month residency required under the *Adoption Act* and
 - within 9 months of placement.

Commentary

Adoption Act
s. 12

Adoption Act
s. 31

The *Adoption Act* requires that within 14 days after receiving a child in their home for the purposes of adoption, prospective adoptive parent(s) are required to notify, in writing, the Director of Adoption or a British Columbia licensed adoption agency. In addition, at least 30 days before the date set for hearing an application for an adoption order, written notice of the application must be provided to the Director of Adoption or to a licensed British Columbia adoption agency. The notice of application may be given when the prospective adoptive parent(s) give their notice of placement or it may be given later in the post-placement period.

Adoption Act
s. 33
Adoption Reg.
s. 18(1)

A post-placement report must be filed with the court when notice has been received under section 31. The *Adoption Regulation* prescribes the information contained in the Post-placement Report. If a licensed British Columbia adoption agency was involved in the pre-placement process, the ministry does not undertake the post-placement work unless there are exceptional circumstances that warrant it and the agency agrees with the request.

Adoption Reg.
s. 16(1)

The Post-placement Report is usually the only court document prepared in a direct placement. In some cases, the prospective adoptive parent(s) may also request a Report on a Younger Child's Views. Prospective adoptive parent(s) may request that you prepare the report, or the report may be prepared by a person authorized by the *Adoption Regulation* to complete the report. The prospective adoptive parent(s) are responsible for all other documents, for making the application to the court and for court costs.

The Summary Recording provides information for the Director of Adoption confirming that the requirements of the *Adoption Act* have been met and expands on the information provided in the Post-placement Report. This standard provides guidelines for preparing the Post-placement Report and the Summary Recording for a child placed for adoption by direct placement.

Guidelines

Steps to follow after receiving written notice that a child has been placed directly in the home of the prospective adoptive parent(s) for the purposes of adoption:

1. Contact the prospective adoptive parent(s) to determine your future role in the preparation of the Post-placement Report and advise them of the fee for the Post-placement Report (refer to Practice Standard 11 and to the fee schedule in *Administrative Procedures and Guidelines for Adoption*)
2. If a licensed British Columbia Adoption Agency was involved in the pre-placement process:
 - inform the prospective adoptive parent(s) that you will not undertake post-placement services, and provide the Post-placement Report unless requested by the administrator of the licensed British Columbia adoption agency that was involved in the pre-placement process
 - if a request is made by the administrator and you undertake completion of the Post-placement Report, request the pre-placement records from the licensed British Columbia adoption agency to determine if the pre-placement requirements were met.
3. Place a copy of the Notice of Placement (CF1023) on the (AH) file.
4. Forward a copy of the Notice of Placement to Adoption Branch, along with a copy of the Notice of Intent to Receive a Child by Direct Placement (CF2659).
5. Acknowledge receipt of the Notice of Placement to the prospective adoptive parent(s) or to their lawyer (contact Adoption Branch for sample letters).

When determining whether the pre-placement requirements were met:

- refer to Practice Standard 71.

If the pre-placement requirements were not met:

- complete the pre-placement requirements of Practice Standard 71 as soon as possible, including the pre-placement assessment (refer to Practice Standard 72)
- report the contravention to the Director of Adoption (refer to Practice Standard 9)
- advise prospective adoptive parent(s) and/or their lawyer:
 - that you have reported the contravention

- that section 33 of the *Adoption Act* allows the director or a licensed B.C. adoption agency when filing a Post-placement Report with the court:
 - to file with the court any other evidence or information which is considered necessary to enable the court to determine whether the proposed adoption is in the child's best interests
 - to make a recommendation that the adoption order should or should not be made
- of the requirements of section 18 of the *Adoption Regulation Act* to provide in the Post-placement Report an explanation of why the birth father's consent was not obtained and whether the pre-placement requirements of sections 8, 9 and 13 of the *Act* were met.

When visiting the prospective adoptive parent(s):

- see the child
- consult with the child (refer to Practice Standard 2)
- assess the progress of the child and how the family is meeting the child's needs, and
- where appropriate, refer them to community services.

When informing the prospective adoptive parent(s) and/or their lawyer of the post-placement requirements

Advise the prospective adoptive parent(s) and/or their lawyer that in order for you to complete the Post-placement Report they will need to provide you with the following:

- a copy of the application to the court with the court registry number on it
- copies of all required consents, orders dispensing with consent, any application to dispense with consent and/or proof of the prospective adoptive parent(s)' efforts to obtain any missing consents
- if a guardian is placing the child, a copy of the court order granting guardianship of the child
- a copy of the child's Registration of Live Birth or, if it can not be obtained, satisfactory evidence of facts relating to the child's birth
- copies of existing access orders
- copies of written notices to anyone who has access rights to the child
- a copy of the Report on a Younger Child's Views, if the child is at least 7 years of age and less than 12
- a copy of the Birth parent(s) Expenses Affidavit (CF2720)
- the date the child was placed with the prospective adoptive parent(s)
- the results of a search of the Birth Fathers' Registry
- proof of the prospective adoptive parent(s)' efforts to give notice of the proposed adoption:
 - to anyone named by the birth mother as the child's birth father but whose consent is not required, and
 - to anyone registered on the Birth Fathers' Registry in respect to the proposed adoption.

If an adoption consent is revoked

- If you are informed that the birth mother has revoked her consent within 30 days of the child's birth:
 - the joint guardianship is terminated and the birth mother becomes the guardian of the child

- the worker who receives the revocation will likely request that you notify the prospective adoptive parent(s) of the revocation in person, or if that is not possible by telephone
- the role of the ministry in returning the child is limited because of the joint guardianship relationship between the birth parent(s) and the prospective adoptive parent(s)
- if the child expresses a desire to revoke consent:
 - the joint guardianship is not affected
 - refer to Practice Standard 42 for guidance in assisting the child in writing their revocation, and
 - contact Adoption Branch for a consultation with Legal Services Branch.

When preparing the Report on a Younger Child's Views:

- refer to Practice Standard 60
- advise the prospective adoptive parent(s) or their lawyer that the Report on a Younger Child's Views will be sent to the court with the post-placement report and, once filed, a copy will be provided to them upon request, and
- collect the relevant fees prior to beginning the report (refer to Practice Standard 11 and to the fee schedule in *Administrative Procedures and Guidelines for Adoption*)

When preparing the Summary Recording:

- meet with the prospective adoptive parent(s) to obtain information for the Post-placement Report and Summary Recording
- collect the relevant fees for the completion of the Post-placement Report prior to beginning the report or recording (refer to Practice Standard 11 and to the fee schedule in *Administrative Procedures and Guidelines for Adoption*)
- meet all of the requirements of Practice Standard 61
- follow the guidelines provided in Practice Standard 61; however when providing information as to when and how the pre-placement requirements of the *Adoption Act* have been met, refer to sections 8 and 9 of the *Act* and include the following:
 - all information outlined in 1(a) of Practice Standard 61
 - that the prospective adoptive parent(s) notified the director of their intent to receive a child in their home for the purposes of adoption
 - if the birth father is unknown or unnamed, provide enough information to establish that the prospective adoptive parent(s) and or their lawyer tried to involve the birth father and attempted to gather information on the nature and duration of the relationship
 - the date the Pre-placement Assessment Report was completed, and
 - the date(s) the Pre-placement Assessment Report were provided to the birth parent(s) or guardian.

When preparing the Post-placement Report:

- refer to *Administrative Procedures and Guidelines for Adoption* for guidance and for a sample report
- spell out all numbers, as the report is a court document
- contact Adoption Branch if you require assistance
- meet all of the requirements of Practice Standard 62:
 - follow the guidelines for a child voluntarily placed through the ministry under the *Adoption Act* within that standard, and
 - where appropriate, provide the following additional information and/or use the wording below as required instead of the wording in Practice Standard 62:

Second paragraph

- When addressing receipt of the applicant(s)' notice of placement and a copy of the application, use the following statements: "I have received the applicants' written notice of placement at least thirty days before the date set for hearing an application for an adoption order, according to section 31 of the *Adoption Act* have also received a copy of the application."
- Omit the line referring to the Director of Adoption's consent, as the director does not consent in a direct placement.
- When a required consent has not been obtained, provide the applicant(s)' explanation of why it was not obtained. State the source of the information by using such statements as the following:
"The applicant(s) have advised my delegate that consents were not obtained because..."
"The applicant(s)' lawyer has advised my delegate..."

Pre-placement requirements of the Act

- State whether the pre-placement requirements have been met for the type of adoption for which the prospective adoptive parent(s) have applied.
- State: "The placement was made by the birth mother (or birth parent(s) if applicable) after all the applicable pre-placement requirements of sections 8 and 9 of the *Adoption Act* were met."

Recommendation

- When all of the pre-placement requirements of the *Act* have been met and you have no concerns about the placement, use the statement: "From my delegate's knowledge of the family, I believe that the adoption is in the child's best interests. I recommend that the adoption order be made."
- A recommendation that the adoption order not be made or the statement that there is insufficient information to make a recommendation is included in the Post-placement Report only after consultation with your supervisor/team leader and with Adoption Branch.
- When it is not possible to determine whether the prospective adoptive parent(s) will provide a safe environment for the child, recommend that the adoption order not be made. Use the following wording: "From my delegate's knowledge of the family, I do not believe that the adoption is in the child's best interests. I do not recommend that the adoption order be made."
- When the birth parent(s) have not been interviewed and a birth family medical and social history is not available, there is insufficient information to make a recommendation. Use the following statement: "I have insufficient information to make a recommendation about whether the adoption order should be made".
- If there has been non-compliance with sections 8 or 9 of the *Act* and an offence has occurred, include this information in your recommendation, and conclude with the following statement. "I note that the pre-placement requirements, set out in sections XXXX of the *Adoption Act* were not complied with. Nevertheless, I recommend the adoption be completed as it is in the best interests of the child. I further recommend that the court require the applicants to provide an explanation as to why the pre-placement requirements were contravened."

Steps to follow after completing the Summary Recording and Post-placement Report in a direct placement:

1. Request that your supervisor/team leader review the Post-placement Report when he or she reviews and signs the Summary Recording.
2. Forward a copy of the Post-placement Report electronically to Adoption Branch.

3. Forward the Summary Recording and the Post-placement Report to Adoption Branch.
4. The Director of Adoption signs the Post-placement Report and returns it to the district office.
5. When you receive the signed copy of the Post-placement Report, forward it to the court registry where the application to adopt has been filed, with:
 - the Report on a Younger Child's Views (where applicable), and
 - a covering letter requesting a copy of the adoption order.
6. After the report(s) have been filed with the court and if requested, provide a copy of the Post-placement Report and where applicable the Report on a Younger Child's Views to the prospective adoptive parent(s) or their lawyer.
7. When the adoption order is granted, it is the responsibility of the adoptive parent(s)' lawyer to distribute the order and birth certificate and to complete any required notifications.
8. Upon receipt of the adoption order, place a copy on the (AH) file.
9. Close the (AH) file.

CHAPTER 12:

Non-ministry Interprovincial and Intercountry Adoptions

There are a number of ways for children from outside the province, who are not in the care of a provincial or territorial child welfare agency, to be adopted by residents of British Columbia. As the ministry's adoption program focuses on the adoption of children in the ministry's care, in most cases the involvement of adoption workers in interprovincial or intercountry adoptions is limited to providing information to inquiries from prospective adoptive parents and advising them to access services from licensed British Columbia adoption agencies.

While the *Adoption Act* does not require the ministry to complete the homestudy process for interprovincial and intercountry adoptions under section 48, it does require that the ministry provide approval when prospective adoptive parent(s) have met all of the pre-placement requirements of section 48.

When the ministry becomes involved in an adoption under section 48, the adoption plan, in most cases, has essentially been made. However, as non-ministry interprovincial and intercountry adoptions can be complicated, it is best to consult with Adoption Branch about your responsibilities as early as possible.

PRACTICE STANDARD 75

Providing Information about Interprovincial and Intercountry Adoption

When prospective adoptive parent(s) are considering an intercountry adoption or an interprovincial adoption of a child who is not in the care of a provincial or territorial child welfare authority, you must provide them with information about the following:

- interprovincial or intercountry adoption, as applicable
- applicable services provided by the ministry and by licensed British Columbia adoption agencies
- children in the care of the ministry awaiting placement.

If prospective adoptive parent(s) request information regarding the adoption of a child in the care of a child welfare authority in another province or territory, refer to Practice Standard 68.

Commentary

A successful adoption placement is more likely when the prospective adoptive parent(s) are fully informed about adoption principles that outline the best interests of the child. When prospective adoptive parents inquire about interprovincial and intercountry adoption, they are entitled to be provided with general information about the principles, requirements and procedures, as well as the special needs of children, in these types of adoption. Wherever possible, provide prospective adoptive parent(s) with information or referrals to assist them in understanding the impact of interprovincial and intercountry adoption on themselves and on the child.

Guidelines

When providing information about interprovincial or intercountry adoption include the following:

- there are several ways a child from outside of the province may be adopted by residents of B.C., including:
 - interprovincial adoptions and intercountry adoptions completed in B.C. (section 48 adoptions)
 - intercountry adoptions completed in the country of origin
 - adoptions from countries that have implemented the Convention of Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention)
 - interprovincial and intercountry adoptions of children by relatives
- services related to intercountry and interprovincial adoptions when the child is not in the care of a provincial child welfare authority are provided by licensed B.C. adoption agencies
- procedural safeguards in interprovincial and intercountry adoption are established in the best interests of the child and with respect for the child's fundamental rights
 - the Hague Convention protects the best interests of children to be adopted from countries that are a signatories to the Hague Convention
 - for adoptions of children from countries that have not implemented the Hague Convention, the children's best interests are protected by procedures that comply with the intent and spirit of the Hague Convention
- Citizenship and Immigration Canada has requirements that must be met

Adoption Act
s. 83

- the ministry is required to provide a Letter of No Objection to Citizenship and Immigration Canada before a child enters Canada
- adoption laws and procedures in the child's country of origin must be met even when the eligibility criteria for prospective adoptive parent(s) do not comply with Canadian or B.C. human rights laws (for example, some countries do not accept adoption applications from single persons or same-sex couples)
- documentation requirements of the child's country of origin must be met
- a current homestudy (education and structured family assessment components) that meets the requirements of the *Adoption Regulations* required (refer to Practice Standard 48)
- fees are required by the child's country of origin, licensed British Columbia adoption agencies and, where applicable, the ministry
- progress reports completed after an adoption placement are an important part of the commitment of prospective adoptive parent(s) to the country of origin
- the *Adoption Act* states that a person who does not obtain the approval of the Director of Adoption or of a licensed British Columbia adoption agency before bringing a child into B.C. for adoption contravenes the *Act* and is liable to a fine (refer to Practice Standard 9)
- Fact Sheets with further information about international adoption are available on the Ministry for Children and Families Adoption web site (refer to Contact Information in the Appendix).

When assisting prospective adoptive parent(s) in deciding whether or not to pursue an interprovincial or intercountry adoption, discuss the following with them:

- possible special needs of children available for intercountry adoption, such as the effects of institutionalization, orphanage care, pre-natal exposure to drugs and/or alcohol, medical complications and cross-racial/cross-cultural adoption
- adoption decisions have lifelong implications, and any decisions made in this process require sufficient time and sufficient information
- the needs and rights of a child to be placed with a family who will assist the child in developing an identity with his or her birth culture and heritage including:
 - ongoing contact with the child's culture, religion and language
 - the need for same-race adult and peer role models
 - information on cultural and ethnic history and practices, and
 - specific information regarding the child's background, birth family and life prior to adoption
- the best interests of the child are served by collecting, exchanging and preserving information about the child and the child's birth family (including wherever possible information about the child's birth father), and
- the needs and rights of the child's birth parent(s), including wherever possible the involvement of the birth father.

Explain to prospective adoptive parent(s) that they can find out more about intercountry adoptions from:

- Citizenship and Immigration Canada
- provincial and community adoption support groups (refer to the Appendix for addresses)
- licensed British Columbia adoption agencies (refer to the Appendix for addresses)
- the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) web site (refer to the Appendix), and

- Fact Sheets available on the Ministry for Children and Families Adoption web site (refer to the Appendix for the address).

Inform prospective adoptive parent(s) about applicable services provided by the ministry and by licensed British Columbia adoption agencies, including:

Services provided by the ministry

- general information related to interprovincial or intercountry adoptions and how to access services from licensed British Columbia adoption agencies
- services related to approval when prospective adoptive parent(s) have met all pre-placement requirements of section 48 of the *Adoption Act* (refer to Practice Standard 76); these do not include completing the homestudy process or written family assessment updates for those requesting services to meet the requirements of section 48

Services provided by licensed British Columbia adoption agencies

- all services related to interprovincial and intercountry adoptions when the child is not in the care of a provincial child welfare authority
- all services related to Hague adoptions (Adoption Branch serves as the provincial central authority)
- interprovincial and intercountry adoptions of children by relatives usually require limited involvement by a licensed British Columbia adoption agency; however in the following circumstances additional services may be required:
 - when the child resides in a country that has implemented the Hague Convention
 - when there are requirements implemented by Citizenship and Immigration Canada, or
 - when there are requirements legislated by the child's country of origin.

Provide prospective adoptive parent(s) with a list of licensed British Columbia adoption agencies (refer to the Appendix).

When providing information about children in the care of the ministry awaiting placement:

- explain to prospective adoptive parent(s) that the ministry's primary responsibility when providing adoption services is to place the children in the ministry's care who are in need of permanent families
- provide a balanced but positive description of these children
- for guidance in describing the children in the ministry's care awaiting placement, refer to Practice Standard 43, and
- where appropriate share the Adoption Bulletin and Adoption Questionnaire Reference Guide with prospective adoptive parent(s) (refer to Practice Standard 17 for guidelines on sharing the Adoption Bulletin).

PRACTICE STANDARD 76

**Requirements to be Met Before Bringing a Child into B.C. to be Adopted
Under Section 48 of the *Adoption Act***

When prospective adoptive parent(s) are considering the adoption of a child under section 48, you must :

- provide them with information about:
 - adoption under section 48
 - the pre-placement requirements of the *Adoption Act*
 - the applicable services provided by the ministry
- advise them it is their and their lawyer's responsibility to ensure they have met the pre-placement requirements.

After receiving written notice from prospective adoptive parent(s) of their intent to bring a child into British Columbia for adoption, you must:

- provide the prospective adoptive parent(s) with the information and documents to assist them in meeting the requirements of section 48, and
- advise them of their post-placement responsibilities.

Commentary

Section 48 of the *Adoption Act* establishes standards for children to be adopted in British Columbia who come from other provinces or from countries in which the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) is not in force. It imposes the same basic requirements on a person bringing a child from out of country or out of province into British Columbia as for the adoption of a child from British Columbia.

Section 49 covers the exceptions to section 48, which include the adoption of a child in the permanent guardianship of another provincial or territorial child welfare agency (these adoptions are covered in Chapter 10) and the adoption of a child by a relative or stepparent. In these situations, section 48 does not apply. There may also be cases where section 48 does not apply when a child is in the care of a child welfare authority in the United States. In addition, if the child resides in a country that has ratified the Hague Convention, the requirements of the Hague Convention apply. The licensed B.C. adoption agency arranging the adoption is responsible for ensuring that all Hague Convention requirements are met.

Section 48 respects the standards and procedures established by the child's province or country of origin, and is based on principles consistent with those of the rest of the *Adoption Act*. It ensures that prior to placement, all parties involved in the adoption receive the relevant information to assist them in deciding whether to proceed with the adoption plan. To ensure that birth parent(s) placing the child for adoption have been provided with information about adoption and its alternatives, prospective adoptive parent(s) are responsible for ensuring that the child's birth parent(s) are informed about British Columbia adoption law and post-adoption services. Section 48 also requires that information be obtained and preserved by the ministry for the adopted person.

Guidelines

Determining whether section 48 applies

- If the child is a relative or stepchild, the requirements of section 48 do not apply, and the prospective adoptive parent(s) should arrange independent legal counsel.
- A child to be adopted under section 48 must be identified; approval cannot be obtained for an unidentified child or for a child who is not yet born.
- When a birth mother who is not a resident of British Columbia travels to the province and gives birth with the intention of placing the child for adoption, the child is considered a resident of British Columbia, and the adoption is by direct placement (refer to Chapter 11).
- If a child is in the care of a child welfare authority in the United States, contact Adoption Branch for a consultation with Legal Services Branch to determine if the birth parent(s)' legal rights have been fully extinguished.

When providing information about adoption under section 48, inform prospective adoptive parent(s) of the following:

- they must be residents of British Columbia before they can receive a child (for a definition of residency, refer to the eligibility requirements in Practice Standard 43)
- it is the prospective adoptive parent(s)' responsibility to ensure the child is legally available for adoption and all legal requirements of both jurisdictions have been met
- some provincial ministries must approve a child leaving their jurisdiction for the purposes of adoption
- if the child resides out of country:
 - it is the prospective adoptive parent(s)' responsibility to apply to sponsor that child as a landed immigrant through Citizenship and Immigration
 - the Director of Adoption is required to respond to Citizenship and Immigration's request for a Letter of No Objection
 - requirements for the Letter of No Objection are included in Fact Sheet 2 (of Fact Sheets for Intercountry Adoption), available on the MCF Adoption web site under "Other Types of Adoption."

Advise prospective adoptive parent(s) of the following requirements of section 48:

- they must provide written notice to the Director of Adoption or to a licensed British Columbia adoption agency of their intent to bring a child to the province for adoption:
 - they (or their lawyer if the adoption is not fully disclosed) may use the Notification and Request for Approval to Bring a Child to British Columbia to be Adopted (request a copy from Adoption Branch), or
 - written notice which includes the following:
 - their name(s), address, telephone number and fax number
 - the birth parent(s)' or guardian(s)' name(s), address, telephone number and fax number
 - the birth parent(s)' or guardian's dates of birth
 - the child's name, date and place of birth and current address, and
 - the name, address, telephone number and fax number for the child welfare authority involved in the child's country or province
- they must obtain approval from the ministry or from a licensed British Columbia adoption agency, which is granted when the following conditions are met:

- the birth parent(s) or guardian(s) placing the child for adoption have been provided with information about adoption and the alternatives to adoption
- the prospective adoptive parent(s) have been provided with information about the medical and social history of the child and the child's birth family
- a homestudy (education and structured family assessment components) of the prospective adoptive parent(s) has been completed as required in section 3 of the *Adoption Regulation* and prospective adoptive parent(s) have been approved on the basis of the written family assessment, and
- consents have been obtained as required in the jurisdiction in which the child is resident.

Provide prospective adoptive parent(s) who wish to bring a child into B.C. for the purpose of adoption with the following additional information:

- if the child to be adopted is Aboriginal, the importance to the child of preserving his or her Aboriginal cultural identity
- to obtain information required by the ministry to issue a Letter of No Objection and to complete the Post-placement Report, birth parent(s) or guardian(s) are required to be interviewed by a child welfare authority in their resident jurisdiction
- to determine if there is a birth father who may have an interest in planning for the child, and in the child's best interests, the following is recommended:
 - a search by their lawyer of the Birth Father Registry
 - reasonable efforts to provide notice of the proposed adoption to:
 - anyone named by the birth mother as the child's birth father if his consent is not required
 - anyone registered on the Birth Fathers' Registry in respect of the proposed adoption
- some child-placing agencies, as guardian of the child, will not provide their consent to adoption until the end of the post-placement period, and in these cases prospective adoptive parent(s) will need to provide documentation before approval is granted to verify that the birth parent(s) have consented to the adoption and that their parental rights have been terminated.

When providing information about the applicable services provided by the ministry, include the following:

- the *Adoption Act* requires the ministry to provide services related to approval when all of the pre-placement requirements of section 48 have been met; the Director of Adoption has discretion to consider whether to grant approval when all of the requirements have not been met
- the ministry does not complete the homestudy process or written family assessment updates for anyone requesting services to meet the requirements of section 48
 - licensed British Columbia adoption agencies provide all services related to interprovincial and intercountry adoptions, and can complete the homestudy process in a timely manner.

When written notice and request for approval to bring a child into British Columbia to be adopted is received from prospective adoptive parent(s):

- if the prospective adoptive parent(s) do not have a current homestudy (education and structured family assessment components), refer them to a licensed British Columbia adoption agency
- if they have a current homestudy (education and structured family assessment components), advise them of the following:

- the approximate amount of time it may take to complete the process, subject to the time needed to obtain copies of the consents and information about the birth parent(s) and the child
- the consequences of contravening section 48(1) of the *Adoption Act* (refer to Practice Standard 9)
- payment of the birth parent's expenses is regulated, and they should be familiar with what is permitted:
 - section 10 of the *Adoption Regulation* clarifies payments that prospective adoptive parent(s) may provide for birth parent(s)' expenses
 - section 17 of the *Regulation* requires that at the time of the adoption completion, prospective adoptive parent(s) complete and file with the court the Birth Parent Expenses Affidavit, which verifies the amounts they have paid to or on behalf of the birth parent(s)
- request from the prospective adoptive parent(s):
 - a completed Application to Adopt (CF1013)
 - a copy of their written family assessment
- open an (AH) file, and
- acknowledge receipt to the prospective adoptive parent(s) in writing (sample letters may be obtained by contacting Adoption Branch).

Provide prospective adoptive parent(s) with the following information and documents:

- when the child resides outside Canada, Fact Sheet 2 (of Fact Sheets for Intercountry Adoption), available on the MCF Adoption web site under "Other Types of Adoption."
- to ensure that birth parent(s) or guardian(s) placing the child for adoption have been provided with information about adoption and the alternatives to adoption, provide the prospective adoptive parent(s) with the following and advise them of their responsibility to ensure the information is received by the child's birth parent(s) or guardian(s) and they have been informed about B.C. adoption law and post-adoption services (information about adoption, access to information and confidentiality is available on the MCF Adoption web site):
 - Adoption Reunion Registry pamphlet
 - No-contact declaration and statement (see contact information in the Appendix to locate the Vital Statistics web site)
 - Fact Sheet on the Post-adoption Openness Registry and Application (CF2658), available on the MCF Adoption web site under "Adoption Contacts and Resources"
 - Request for Access to Information (CF2646) to obtain records from Information, Privacy and Records Services
- to ensure prospective adoptive parent(s) have been provided with information about the medical and social history of the child and the child's birth family:
 - Report on the Child to be Adopted - Intercountry/Interprovincial Adoption (contact Adoption Branch for a copy) which assists the child welfare authority in interviewing the birth parent(s) by providing questions
 - the Child's Birth Family Medical and Social History (CF2670) to be completed by birth parent(s) and provided when the child resides in a country with the resources to provide the follow up required for the birth parent(s) to complete the form, or
 - the Child and Birth Family Information - Intercountry Adoption (contact Adoption Branch for a copy), provided when:
 - the child's birth parent is not available to provide the information

- the child has resided in a child care facility for an extended period of time and there are caregivers available to provide the information, or
- the country of origin does not have the resources to gather the information requested on the CF2670 from birth family members
- the *Adoption Act* requires that when determining the best interests of an Aboriginal child, the importance of preserving the child's cultural identity must be considered
- "Consents and Notice of Proposed Adoption Fact Sheet" (contact Adoption Branch for a copy) to ensure that all consents required in the jurisdiction in which the child is resident have been obtained and that they include provisions terminating parental rights
- to ensure the involvement of a birth father who may wish to be involved in adoption planning:
 - a Birth Fathers' Registry Search Request (CF2688) and recommend that their lawyer search the Birth Fathers' Registry and provide notice of the proposed adoption to anyone registered, and
 - it is recommended in all adoption planning and a requirement for a Letter of No Objection that their lawyer give notice of the proposed adoption to anyone named by the birth mother as the child's birth father if his consent is not required under section 13.

Advise prospective adoptive parent(s) that in order to meet their post-placement responsibilities, they are required to provide you with the following:

- notice of placement within 14 days of the child's arrival, accompanied by a copy of the approval confirming that the requirements of section 48 were met
- notice of application for an adoption order at least 30 days before the date set for hearing the application, and
- the information required to complete the Post-placement Report (refer to Practice Standard 78).

PRACTICE STANDARD 77

Granting Approval for a Child to be Brought into B.C. for Adoption, and Preserving the Child's Medical and Social History

After receiving from prospective adoptive parent(s) written notice and request for approval to bring a child into British Columbia to be adopted, and prior to granting approval, you must establish that the requirements of section 48 of the *Adoption Act* have been met by:

- reviewing the prospective adoptive parent(s)' homestudy (education and structured family assessment components) to determine that it is current and meets the requirements of the *Adoption Regulation*
- determining if information about adoption and its alternatives was provided to the birth parent(s) or guardian(s) by an authority approved to provide that type of service
- reviewing the child's and birth family's medical and social history to determine if:
 - both birth parents have been interviewed
 - the quantity and quality of the information obtained for the child is sufficient to meet the future needs of the child and adoptive family
- determining if the required consents in the jurisdiction where the child is resident have been obtained, and
- meeting with the prospective adoptive parent(s) to discuss the proposed placement.

If you determine that the requirements of section 48 have been met, you must provide written approval for the child to be brought into British Columbia.

You must preserve the child and birth family information obtained for the child.

If the child resides out of country, when approval has been granted, and when the requirements for the Letter of No Objection have been met, you must recommend that a Letter of No Objection, required by Citizenship and Immigration Canada, be issued.

Commentary

To ensure that the proposed adoption is in the best interests of the child and that the child is legally available for adoption, it is the responsibility of the prospective adoptive parent(s) and their lawyer to provide you with information to verify that the pre-placement requirements of section 48 of the *Adoption Act* have been met. These requirements also ensure that the prospective adoptive parent(s) are prepared and approved for the adoption, and that information is obtained and preserved for the child's future needs. Any costs of providing the ministry with the information required under section 48(2) are the responsibility of the prospective adoptive parent(s).

It is your responsibility to determine that the information provided is complete and accurate, that it has been obtained from the appropriate authorities, and that all the consents have been obtained as required in the placing jurisdiction. When you have determined that all the pre-placement requirements of section 48 have been met, section 48 approval is granted.

Although only the consents required in the jurisdiction in which the child is resident are required to grant approval under section 48, to complete the adoption in British Columbia the consents described under section 13 are required. Prospective adoptive parent(s) and their lawyer should be advised wherever possible to obtain the necessary information and documentation prior to placement, to assist them when meeting the requirements for completion.

The *Adoption Act* supports the involvement of the birth father in adoption planning, which has lifelong significance to the child. The involvement of the birth father assists the child in resolving identity issues throughout life. A search of the Birth Fathers' Registry is recommended in order to involve a birth father who may wish to plan for the child, and to reduce the possibility that the adoption placement could be disrupted by a birth father coming forward after the adoption placement.

When the child resides outside of Canada, the Director of Adoption will be requested by Citizenship and Immigration Canada to provide a Letter of No Objection. The requirements to obtain this letter must be completed prior to placement.

Guidelines

When reviewing the prospective adoptive parent(s)' homestudy (education and structured family assessment components) to determine if it is current and meets the requirements of the *Adoption Regulation*:

- refer to section 3 of the *Adoption Regulation* for the requirements of the homestudy process
- refer to Practice Standard 48 for guidance in accepting non-ministry written family assessments and to Practice Standard 47 when establishing whether the written family assessment is current
- if a child has been placed with the prospective adoptive parent(s) since the completion of their written family assessment, refer them to a licensed British Columbia adoption agency for a second or subsequent written family assessment
- ensure that:
 - the results of criminal record searches for prospective adoptive parent(s) and any other adult members of the household are no more than 9 months old at the time approval is granted
 - a prior contact check has been completed within 30 days prior to the approval being granted
 - the type of child the prospective adoptive parent(s) have been recommended to adopt matches the child under consideration
 - where applicable, the written family assessment addresses the prospective adoptive parent(s)' readiness for an intercountry cross-racial or cross-cultural adoption including:
 - their acceptance of racial and cultural differences (refer to The Cross-racial, Cross-cultural Parenting Assessment Guide in the Appendix of *Administrative Procedures and Guidelines for Adoption*)
 - their understanding of the effects of institutionalization
 - the risks related to the lack of information about medical and genetic family history, pre-natal care of the birth mother and post-natal care of the child
 - their knowledge of medical problems common in the child's country of origin
- when the homestudy (education and structured family assessment components) is not current or does not meet the requirements of the *Adoption Regulation*
 - conduct a prior contact check where required (refer to the MCF User Guide for instructions)
 - advise prospective adoptive parent(s) to request a criminal record search from the local police or RCMP detachment (for guidelines refer to Practice Standard 44), and
 - refer the prospective adoptive parent(s) to a licensed British Columbia adoption agency for any required addendums or updates.

To determine if information about adoption and its alternatives has been provided to the birth parent(s) or guardian(s) by a child welfare authority approved to provide that type of service:

Request that prospective adoptive parent(s) or their lawyer provide:

- written confirmation from a child welfare authority that information about adoption and its alternatives was provided to the birth parent(s) or guardian(s) in their jurisdiction
- confirmation that the authority providing the service is approved by the government in that foreign jurisdiction or by a person specifically authorized by the Director of Adoption to provide the service in the form of:
 - a copy of the out of province agency's license, and
 - documentation describing the services the agency is authorized to provide.

Reviewing and preserving the child's and birth family's medical and social history

- The prospective adoptive parent(s) or their lawyer are responsible for ensuring that both birth parents of the child, wherever possible, are interviewed and that the child's and birth family's medical and social history is obtained.
- The medical, social, placement and cultural history of the child and the child's hospital birth record should be included in the documents provided by the prospective adoptive parent(s) or their lawyer (refer to the documents provided to the prospective adoptive parents in Practice Standard 76).
- If the child's and birth family's medical and social history is forwarded directly to you by the child welfare authority:
 - remove identifying information from all documents before providing the child's background information to the prospective adoptive parent(s)
 - identifying information may be provided to the lawyer.
- Place a copy, including the identifying information on the (AH) file, to preserve for the child.
- Determine if the child proposed matches the child the prospective adoptive parent(s) have been recommended to adopt.
- If appropriate, advise prospective adoptive parent(s) to discuss the child's medical information and any other pertinent information with their medical practitioner and/or other specialists.
- If you have concerns about the quality or quantity of information provided:
 - discuss these concerns with the prospective adoptive parent(s) including the importance of this information to the adopted person and the risks related to lack of information regarding medical or genetic family history, pre-natal and post-natal care, and
 - record your concerns and the content of this discussion on the (AH) file.

When determining if required consents have been obtained

When determining if required consents have been obtained by the prospective adoptive parent(s) or their lawyer as required in the jurisdiction in which the child resides, review written confirmation and documentation from a lawyer in the jurisdiction where the child is resident which includes the following:

- identification of the child's birth parent(s) or guardian(s)
- a copy of the legislation of the jurisdiction indicating who must consent to adoption and under what circumstances the consent is required
- confirmation that parental rights have been terminated and that guardianship has been transferred from the birth parent(s) to the current guardian

- confirmation that the consents have been obtained as required by the jurisdiction in which the child is resident, and
- where possible a copy of the laws of the jurisdiction regarding revocation of consent.

Consents required by section 13 of the Adoption Act to complete the adoption

Although only the consents required in the jurisdiction in which the child is resident are required to grant approval under section 48, to complete the adoption in British Columbia the consents described under section 13 are required.

Advise prospective adoptive parent(s) that it is recommended, wherever possible, that

- all required consents be obtained by the prospective adoptive parent(s) at the time they are requesting approval under section 48
- the birth parents be interviewed by a child welfare authority
- the Birth Fathers' Registry be searched
- the birth father be notified if he is:
 - named by the birth mother as the child's birth father if his consent is not required under section 13 of the *Act* and
 - registered on the Birth Fathers' Registry in respect of the proposed adoption.

After establishing that the requirements of section 48 have been met, meet with the prospective adoptive parent(s) at least once to discuss the following:

- whether there have been changes to the prospective adoptive parent(s)' circumstances since the written family assessment was completed that are relevant to their ability to protect, nurture and care for the identified child
- any issues identified regarding the prospective adoptive parent(s)' ability to care for the child, such as limited medical information available about the child to be adopted
- any concerns regarding documentation provided
- any other concerns identified and whether those concerns present any health or safety risks for the child
- if, during the interview it appears that a person in British Columbia has acted as the facilitator to an adoption, notify the Director of Adoption in writing (refer to Practice Standard 9)
- advise the prospective adoptive parent(s) that even though the child was born outside of British Columbia, when a child's adoption is completed in British Columbia all of the post-adoption order openness and disclosure provisions of the *Adoption Act* apply:
 - the information released when the child reaches 19 years of age or older may be limited, as the Vital Statistics Agency may not have the original birth registration of a child born outside the province
 - refer to Chapter 13 for information on post-adoption order services
- if prospective adoptive parent(s) have a previous application to adopt with the ministry:
 - inform them that their application has been withdrawn and confirm this in writing, and
 - advise them to reapply if they wish to be considered for a future placement.

If the child resides outside of Canada, determine if the requirements for a Letter of No Objection have been met

Prospective adoptive parent(s) or their lawyer are required to meet the requirements described in Fact Sheet 2 (of Fact Sheets for Intercountry Adoption), available on the MCF Adoption web site under "Other Types of Adoption."

When you have determined that the requirements of section 48 and, if applicable, the requirements for a Letter of No Objection have been met:

- complete the Director's Approval-Section 48 (contact Adoption Branch for a copy)
- forward it to the lawyer for the prospective adoptive parent(s) unless the name of the child is known to them, in which case it may be provided directly to the prospective adoptive parent(s)
- if the child resides outside of Canada, forward a copy to Adoption Branch requesting that they:
 - issue a Letter of No Objection, and
 - send you a copy of the Letter of No Objection
- advise the prospective adoptive parent(s):
 - that the final decision regarding whether a child will be allowed to enter Canada rests with Citizenship and Immigration authorities
 - if an individual has consented under the laws of another jurisdiction, to discuss with their lawyer the revocation provisions of that jurisdiction
 - if a child has consented to adoption before arriving in B.C., the child can revoke that consent any time after arriving in B.C. and before the adoption order is granted (refer to Practice Standard 42)
- the (AH) file remains open to complete the Post-placement Report, and
- advise the prospective adoptive parent(s) about the requirement to provide Notice of Placement and provide them with a copy (CF1023), and if at the end of 6 months, Notice of Placement or notice of application to adopt has not been received, close the (AH) file.

A decision not to grant approval under section 48 may be made when one or more of the requirements under section 48 have not been met

When a decision is made not to approve the placement plan:

- consult with your supervisor/team leader
- your supervisor/team leader advises your regional manager responsible for adoption in writing of the decision
- meet with the prospective adoptive parent(s) and inform them of your decision not to approve the placement plan:
 - confirm your decision in a letter to the prospective adoptive parent(s) that includes the reasons for non-approval
 - place a copy of the letter on the (AH) file
 - inform them of the ministry's complaints process (refer to Practice Standard 5)
- when the child resides outside of Canada:
 - inform Adoption Branch that the placement plan has not been approved
 - Adoption Branch will advise Citizenship and Immigration that the ministry will not issue a Letter of No Objection
- when you have had direct communication with the placing agency:
 - inform the prospective adoptive parent(s) that the placing agency will be advised
 - inform the placing agency as a courtesy that approval for the placement plan will not be granted
- if the prospective adoptive parent(s) inform you that they plan to proceed with the placement despite approval not being granted, send them by registered mail (requesting confirmation from Canada Post) a letter outlining the following:
 - the requirements of section 48 that must be met prior to a child entering B.C. to be adopted

- section 33 of the *Adoption Act* allows the Director of Adoption or a licensed British Columbia adoption agency when completing the Post-placement Report to file with the court any evidence or information considered necessary to enable the court to determine whether the proposed adoption is in the child's best interests and a recommendation on whether the adoption order should be made
- according to section 83 a person who brings a child into British Columbia for the purpose of adoption before obtaining approval commits an offence and is liable to a fine of up to \$5000
- forward a copy of this letter to Adoption Branch and place a copy on the (AH) file, and
- if the prospective adoptive parent(s) decide not to proceed with the placement and/or do not appeal your decision, close the (AH) file.

PRACTICE STANDARD 78

Post-placement Responsibilities and Completing a Section 48 Adoption

After receiving written notice that a child who resides outside British Columbia has been placed in the home of prospective adoptive parent(s) for the purpose of adoption, you must:

- determine if section 48 of the *Adoption Act* applies (refer to Practice Standard 77)
- determine whether the pre-placement requirements of section 48 have been met and approval has been granted
- if you determine that approval has not been granted:
 - meet the requirements of Practice Standard 77 or, if the prospective adoptive parent(s) do not have a current homestudy (education and structured family assessment components) that meets the requirements of the *Adoption Regulation* refer them to a licensed British Columbia adoption agency to provide all required adoption services
 - inform the Director of Adoption of the contravention
- visit the prospective adoptive parent(s) in their home within 5 working days of receiving notice
- inform the prospective adoptive parent(s) and/or their lawyer of the post-placement requirements, and
- complete the required progress reports.

When protection concerns are identified during the post-placement period, you must:

- report the matter immediately to a person designated under the *CFCSA* to determine if the child is in need of protection
- consult with your supervisor/team leader, and
- prepare a written report on the action taken for your supervisor/team leader and the Director of Adoption.

At the conclusion of the post-placement period, and after receiving written notice of an application for an adoption order, you must:

- obtain required documents and information in preparation for completing the Post-placement Report
- prepare:
 - if applicable and where requested, a Report on a Younger Child's Views
 - the Summary Recording, and
 - the Post-placement Report, which includes a recommendation from the Director of Adoption as to whether an adoption order should be granted, or a statement that there is insufficient information to make the recommendation.

Commentary

Section 48 provides a process that protects the best interests of the child and the child's fundamental rights. If there has been a contravention of the requirements of section 48, it is your responsibility to ensure that the best interests of the child are protected and to inform the Director of Adoption of the contravention.

Section 12 of the *Adoption Act* requires that within 14 days of receiving a child in their home for the purposes of adoption, prospective adoptive parent(s) notify in writing the Director of Adoption, or a British Columbia licensed adoption agency.

Section 31 requires that at least 30 days before the date set for hearing an application for an adoption order, written notice of the application be provided to the Director of Adoption or to a licensed B.C. adoption agency. A post-placement report is completed when this notice has been received and you have provided services to grant approval under section 48. Section 18(1) of the *Adoption Regulation* prescribes the information contained in the report.

If prospective adoptive parent(s) provide you with their notice of application, and a licensed British Columbia adoption agency was involved in the pre-placement process, do not undertake the post-placement work unless there are exceptional circumstances that warrant it, and the licensed British Columbia adoption agency agrees with the request.

The Post-placement Report is usually the only court document you are required to prepare for a Section 48 adoption completed under section 48. In some cases, prospective adoptive parent(s) may also request a Report on a Younger Child's Views. The prospective adoptive parent(s) are responsible for all other documents, for making the application to court and for court costs.

The Summary Recording provides information for the Director of Adoption confirming that the requirements of the *Adoption Act* have been met and expands on the information provided in the Post-placement Report.

This standard provides guidelines for preparing the Post-placement Report and the Summary Recording for a child placed for adoption under section 48 of the *Act*

Guidelines

If Citizenship and Immigration contacts you to determine whether a specific child should be allowed to enter British Columbia with persons who claim to be the child's prospective adoptive parent(s):

- inform the immigration official:
 - of the requirements of section 48 of the *Adoption Act* and
 - that bringing a child into British Columbia before obtaining approval is an offence under section 83 of the *Act*
- advise the prospective adoptive parent(s):
 - that they are required to obtain approval before the child can be brought into the province
 - to return to British Columbia without the child, as an interview is part of the approval process, and
 - to make interim child care arrangements for the child outside of Canada or to return the child to his or her guardian.

When determining whether the pre-placement requirements of section 48 have been met:

- contact the prospective adoptive parent(s)
- establish whether or not approval has been granted by the Director of Adoption or a licensed B.C. adoption agency to bring the child into British Columbia for adoption
- if a licensed B.C. adoption agency was involved in the pre-placement process:
 - inform the prospective adoptive parent(s) that you will not undertake post-placement services and provide the Post-placement Report unless requested to do so by the administrator of the licensed British Columbia adoption agency that was involved in the pre-placement process
 - if the administrator of the agency requests that you undertake completion of the Post-placement Report, request the pre-placement records from the agency.

If you determine that a child has entered British Columbia for the purpose of adoption before approval has been granted:

- establish whether or not the prospective adoptive parent(s) have a current homestudy (education and structured family assessment components) that meets the requirements of section 3 of the *Adoption Regulation*.

If prospective adoptive parent(s) have a current written family assessment that meets the requirements of the Adoption Regulation:

- as soon as possible meet the requirements for granting approval and follow the guidelines in Practice Standard 77
- in an intercountry adoption, advise the prospective adoptive parent(s) to contact Citizenship and Immigration:
 - to clarify the child's immigration status
 - to obtain information regarding limitations that may be attached to that status, such as health care insurance coverage and travel
- request that prospective adoptive parent(s) complete a Notification and Request for Approval to Bring a Child into B.C. to be Adopted
- forward to Adoption Branch a copy of the Notice of Placement and a copy of the completed Notification and Request for Approval to Bring a Child into B.C. to be Adopted
- Adoption Branch will register the placement and where applicable inform Citizenship and Immigration that a letter will not be forthcoming because the child is in the country
- advise the prospective adoptive parent(s):
 - that you will be notifying the Director of Adoption of the contravention
 - that section 33 of the *Adoption Act* allows the Director or a licensed B.C. adoption agency when completing a post-placement report to file with the court any evidence or information considered necessary to enable the court to determine whether the proposed adoption is in the child's best interests and a recommendation on whether the adoption order should be made
- forward a brief description of the case to the Director of Adoption and request direction on how to respond to the contravention (refer to Practice Standard 9).

If prospective adoptive parent(s) do not have a current written family assessment that meets the requirements of the Adoption Regulation:

- request that they sign a Consent to Disclosure of Information (CF0609) so that you can do a prior contact check of ministry involvement
- if prospective adoptive parent(s) are unwilling to consent, advise them that in the best interests of the child you will proceed without their consent to do a prior contact check
- conduct the prior contact check
- if you have protection concerns about the child, proceed as the standard requires
 - consult with the protection worker, and if it is determined that the child is not safe with the prospective adoptive parent(s):
 - where appropriate, advise the child's guardian in the child's jurisdiction of origin of your concerns, and determine if the child is to be returned to his or her country or province of origin or if a new adoptive home should be sought in B.C.
 - if your concerns fall short of the protection standard, consult with the child's guardian to determine if it is in the child's best interests to remain in the placement
- refer the prospective adoptive parent(s) to a licensed British Columbia adoption agency for completion of the homestudy (education and structured family assessment components) and all other services related to granting approval

- advise them that you will be notifying the Director of Adoption of the contravention
- forward a brief description of the case to the Director of Adoption and request direction on how to respond to the contravention (see Practice Standard 9).

Steps to follow after receiving written notice that a child has been placed in the home of prospective adoptive parent(s) for the purposes of adoption under section 48:

1. Place a copy of the Notice of Placement on the (AH) file.
2. Forward a copy of the Notice of Placement to Adoption Branch, with a copy of the Notification and Request for Approval to Bring a Child to B.C. to be Adopted.
3. Acknowledge receipt of the Notice of Placement to the prospective adoptive parent(s) or their lawyer (contact Adoption Branch for sample letters).

When visiting the prospective adoptive parent(s):

- see the child
- consult with the child (refer to Practice Standard 2)
- assess the progress of the child and how the family is meeting the child's needs, and
- where appropriate refer the child and family to community services.

When informing the prospective adoptive parent(s) and/or their lawyer of the post-placement requirements, include the following:

- in some jurisdictions, the agency placing the child requires that prospective adoptive parent(s) provide progress reports before and after the adoption
- progress reports may be required before the agency acting as the child's guardian will provide consent to the adoption
- in order for you to complete the Post-placement Report they will need to provide you with the following:
 - a copy of the application with the court registry number on it
 - copies of all consents required under section 13, including the consent of any child welfare agency that is the child's guardian, orders dispensing with consent or an application to dispense with consent and/or proof of the prospective adoptive parent(s)' efforts to obtain any missing consents
 - proof of guardianship if a child welfare agency is the guardian
 - a copy of the child's Registration of Live Birth or, if it cannot be obtained, satisfactory evidence of facts relating to the child's birth
 - copies of any existing access orders
 - copies of written notices to anyone who has access rights to the child
 - a copy of the Report on a Younger Child's Views if the child is between 7 and 12
 - a copy of the Birth Parent Expenses Affidavit (CF2720)
 - the results of the search of the Birth Fathers' Registry and
 - proof of written notice or the prospective adoptive parent(s)' efforts to give notice of the proposed adoption:
 - to anyone named by the birth mother as the child's birth father but whose consent is not required, and
 - to anyone registered on the Birth Fathers' registry in respect to the proposed adoption.

When progress reports are required by the agency placing the child:

- complete progress reports only when the ministry has provided pre-placement services
- inform prospective adoptive parent(s) of the ministry's fee for each pre-adoption progress report and collect the fee before beginning the work (refer to Practice

Standard 11 and the fee schedule in *Administrative Procedures and Guidelines for Adoption*

- complete the report according to the format requested by the foreign jurisdiction
- after reviewing the report with your supervisor/team leader, sign the report
- forward the pre-adoption progress report to the appropriate authority in the other jurisdiction
- provide a copy of the report to the prospective adoptive parent(s)
- retain a copy of the report on the (AH) file
- if a progress report is required following the completion of the adoption:
 - open an (AP) file
 - obtain a Consent to Post-adoption Progress Reports (contact Adoption Branch for a copy) from the adoptive parent(s) and the child 12 years of age or older so that you are provided with a mandate to continue involvement with the family after adoption completion
 - no fee is charged for progress reports completed following the granting of the adoption order
 - forward the post-adoption progress report to the adoptive parent(s) who are responsible for forwarding the report to the authority in the foreign jurisdiction, and
 - retain a copy of the report on the (AP) file.

If the child who has arrived in B.C. is over 12 and indicates a desire to revoke his or her consent at any time before the order is granted:

- regardless of the laws of the jurisdiction where the child consented to adoption, a child can revoke his or her consent under the *Adoption Act* if the adoption is to be completed in B.C.
- notify the other jurisdiction of the child's revocation
- determine who has guardianship of the child
- assist the child in writing a letter of revocation and inform the prospective adoptive parent(s) of the child's revocation (refer to Practice Standard 42)
- if it is not appropriate for the child to remain with the prospective adoptive parent(s):
 - determine if assistance is required to return the child to his or her home jurisdiction
 - if appropriate, make arrangements for the transfer of the child through the child welfare authority in the other jurisdiction
 - if there is no immediate decision on a plan of care for the child, contact a person delegated under the *CFCSA* to determine if the child is in need of protection and should be placed in a ministry approved residential resource, and
- notify Citizenship and Immigration of an adoption disruption involving a child who has arrived from outside Canada and who is being returned to the guardian in the child's country of origin.

When preparing the Report on a Younger Child's Views:

- refer to Practice Standard 60
- advise the prospective adoptive parent(s) or their lawyer that the Report on a Younger Child's Views will be sent to the court with the post-placement report and after it is filed, a copy will be provided to them upon request, and
- collect the relevant fees prior to beginning the report (refer to Practice Standard 11 and the fee schedule in *Administrative Procedures and Guidelines for Adoption*)

When preparing the Summary Recording:

- meet with the prospective adoptive parent(s) to obtain information for the Post-placement Report and Summary Recording
- collect the relevant fees for the completion of the Post-placement Report prior to beginning the report or recording (refer to Practice Standard 11 and the fee schedule in *Administrative Procedures and Guidelines for Adoption*)
- meet all of the requirements of Practice Standard 61 and follow the guidelines provided in that standard; however when providing information as to when and how the pre-placement requirements of the *Adoption Act* have been met, refer to section 48 of the *Act* and include the following:
 - all information outlined in section 1(a) of Practice Standard 61
 - the date approval to bring the child into the province for adoption was given to the prospective adoptive parent(s), and
 - if the birth father is unknown or unnamed, provide enough information to establish that the prospective adoptive parent(s) and/or their lawyer attempted to involve the birth father and to gather information on the nature and duration of the relationship.

When completing the Post-placement Report:

- refer to *Administrative Procedures and Guidelines for Adoption* for direction and a sample report
- spell out all numbers, as the report is a court document
- contact Adoption Branch if you require additional assistance
- meet all of the requirements of Practice Standard 62:
 - note that for a section 48 adoption, the recommendation from the Director of Adoption may be that the order should or should not be granted, or that there is insufficient information to make the recommendation (for ministry arranged adoptions, the recommendation in the Post-placement Report is that the order be granted)
 - follow the guidelines within that standard for a child voluntarily placed through the ministry under the *Adoption Act*
 - where appropriate, provide the following additional information and/or use the wording below as required instead of the wording in Practice Standard 62:

Heading

When a child is born in another country and a Registration of Live Birth is not available, use the documents provided by the child's country of origin to establish the child's legal name.

Second paragraph

- When addressing receipt of the applicant(s)' notice of placement and a copy of the application, use the following statements: "I have received the applicants' written notice of placement at least thirty days before the date set for hearing an application for an adoption order, according to section 31 of the *Adoption Act* have also received a copy of the application."
- In addition to the consents of the birth parent(s) as required by section 3 of the *Adoption Act* the consent of the placing agency may be required.
- When the birth father's consent or any required consent has not been obtained, provide the applicant(s)' explanation of why it was not obtained. State the source of the information by using such statements as the following:
 - "The applicant(s) have advised my delegate that consents were not obtained because..."
 - "The applicant(s)' lawyer has advised my delegate..."

Pre-placement requirements of the Act

State: "The placement was made by the birth mother (or "birth parents," or the name of the placing agency if applicable) after all the applicable pre-placement requirements of section 48(1) of the *Adoption Act* were met."

Recommendation

- When all of the pre-placement requirements of the *Act* have been met and you have no concerns about the placement, use the standard lines: "From my delegate's knowledge of the family, I believe that the adoption is in the child's best interests. I recommend that the adoption order be made."
- A recommendation that the adoption order not be made or that there is insufficient information to make a recommendation is included in the Post-placement Report only after consultation with your supervisor/team leader and with Adoption Branch.
- When it is not possible to determine whether the prospective adoptive parent(s) will provide a safe environment for the child, a recommendation that the adoption order not be made is given. Use the following lines: "From my delegate's knowledge of the family, I do not believe that the adoption is in the child's best interests. I do not recommend that the adoption order be made."
- When the birth parent(s) have not been interviewed and a birth family medical and social history is not available, there is insufficient information to make a recommendation. Use the following statement: "I have insufficient information to make a recommendation about whether the adoption order should be made".
- If there has been non-compliance with section 48(1) of the *Act* and an offence has occurred, include this information in your recommendation, and conclude with the following statement. "I note that the pre-placement requirements, set out in section 48(1) of the *Adoption Act* were not complied with. Nevertheless, I recommend the adoption be completed as it is in the best interests of the child. I further recommend that the court require the applicants to provide an explanation as to why the pre-placement requirements were contravened."

After completing the Summary Recording and Post-placement Report:

- request that your supervisor/team leader review the Post-placement Report when he or she reviews and signs the Summary Recording
- forward a copy of the Post-placement Report electronically to Adoption Branch
- forward the Summary Recording and the Post-placement Report to Adoption Branch
- the Director of Adoption signs the Post-placement Report and returns it to the district office
- when you receive the signed copy of the Post-placement Report:
 - make a copy of the report and place it on the (AH) file
 - forward the original signed report to the court registry where the application to adopt has been filed, with:
 - the Report on a Younger Child's Views (where applicable), and
 - a covering letter requesting a copy of the adoption order
 - after the report(s) have been filed with the court and if requested, provide a copy of the Post-placement Report and where applicable the Report on a Younger Child's Views to the prospective adoptive parent(s) or their lawyer
 - when the adoption order is granted, it is the responsibility of the adoptive parent(s)' lawyer to distribute the order, Birth Certificate or Statement Respecting Particulars of Birth and to complete any required notifications
 - upon receipt of the adoption order, place a copy on the (AH) file, and close the (AH) file.

CHAPTER 13:

Post-adoption Services

This chapter describes the services provided by the ministry and other government and community agencies and service providers once the adoption order is granted. These include dealing with requests for information and contact, for openness agreements, and for access to information by adult adopted persons or their birth parents.

Under provisions of the *Adoption Act* and the *Freedom of Information and Protection of Privacy Act*, information from completed adoption files may be accessed by specific individuals. In addition, provisions exist for post-adoption contact between specific individuals involved in an adoption.

In addition to its role in handling post-adoption requests for information and contact, the ministry offers a range of programs and services that can be accessed after adoption completion. Among these are specific programs for individuals and families (including adoptive families) who qualify. These include Community Living Services (for children with special needs and their families), Child and Youth Mental Health Services, Child Protection Services, Youth Justice Services and Youth Services.

In addition, the Post-adoption Assistance Program provides financial assistance and access to other support services to families with children placed by the ministry who have special service or placement needs. Chapter 7 provides detailed information about this program.

The ministry also provides funding to the Society of Special Needs Adoptive Parents (SNAP), which provides support, education and information, during and after placement, to adoptive parents of children with special needs, and to the United Native Nations for the Family Reunification Program, which helps reunite Aboriginal adults with their birth family or cultural group.

Requests for Information or Contact After an Adoption Order is Granted

Once an adoption order is granted, requests for information or contact are referred to one or more of the following:

- Adoption Branch
- Information, Privacy and Records Services Branch
- the Vital Statistics Agency
- the Adoption Reunion Registry
- the Family Reunification Registry

Most requests for information accessed from ministry files can be referred to the ministry's Information, Privacy and Records Services Branch. However, in compelling circumstances, the Director of Adoption may contact participants in an adoption directly in order to obtain or share information.

Disclosures necessary for the benefit of the child

Adoption Act
s. 61

The Director of Adoption may disclose identifying information to a person if the disclosure is necessary for the safety, health or well-being of a child, or for the purpose of allowing a child to receive a benefit.

Disclosure of identifying information concerning an Aboriginal child

Adoption Act
s. 62(1)

The name and location of a child's Indian Band or Aboriginal community may be disclosed to the child's adoptive parent(s) after the granting of the adoption order.

Adoption Act
s. 62(2)

Identifying information about an Aboriginal child may be disclosed (with the written consent of the child's adoptive parent[s]) to the child's Indian Band or Aboriginal community. After the order has been granted, the Director of Adoption's consent is required before identifying information is disclosed.

Contact in compelling circumstances

Adoption Act
s. 68

In compelling circumstances that affect anyone's health or safety, the Director of Adoption may contact the following individuals in order to share with or obtain from them any necessary information:

- birth parents
- if a birth parent is not available (for example, if he or she is deceased), a relative of the birth parent
- an adopted person 19 years of age or over

If the Director of Adoption is satisfied that there are compelling medical or health circumstances that warrant contact with the other person, the Director will contact the individual in question.

Examples of circumstances under which the Director may contact an individual to share or obtain medical or health information include, but are not limited to, the following:

- serious health conditions which are evident after an adoption order is made and which have implications for the adopted person, the birth parent(s) or the descendants of either
- life-threatening situations, where a birth relative may be able to assist the person affected or provide necessary medical or genetic information, such as the need for a bone marrow transplant, and
- terminal illnesses where a birth parent or adopted person wishes to contact the other person before they die.

Each case is considered according to its own merits.

Guidelines

Refer the following requests to the Adoption Branch:

- requests for background information about an adopted child who has come into the care of a director under the *CFCSA*. In these cases, a worker delegated under section 96 of the *CFCSA* should contact the Branch with their request, providing:
 - the full adoptive name of the child
 - the child's date of birth and
 - the names of the adoptive parent(s)
- requests from ministry workers for background information about an adopted child to whom they are currently providing ministry services. In these cases, the worker should contact the Branch with their request and:
 - indicate the basis on which they are working with the child and explain why the information is required
 - provide
 - the full adoptive name of the child
 - the child's date of birth and
 - the names of the adoptive parent(s)
- requests for copies of adoption orders
- requests from birth parent(s) for confirmation that an adoption order was granted for their child
- urgently needed medical information supported by a letter from a physician, including:
 - medical information from a closed adoption file
 - requests, in compelling circumstances, from anyone involved in the adoption for contact to be made with an individual in order to share or obtain medical information
- non-medical requests, in compelling circumstances, from anyone involved in the adoption for contact to be made with an individual
- requests from adoptive parents on behalf of an adopted child under 19 years of age or a designated representative of the child's Band or Aboriginal community for identifying information to enable contact between an Aboriginal child and the child's Band or Aboriginal community
- requests from any person involved in an adoption for information to add to adoption records for the following reasons:
 - medical genetic updates
 - clarification of false information provided at the time of adoption
 - birth family information provided now which was previously refused
 - the death of an adopted person, birth parent or adopting parent
 - identification/confirmation of paternity and any other information about the birth father obtained as a result of him coming forward at a later date
 - updated information about racial origin and eligibility for status under the *Indian Act*
- birth relatives wishing to leave an inheritance to a child placed for adoption
- services related to the Public Trustee and Guardian of B.C.
- services related to criminal injury claims under the *Criminal Injury Compensation Act*
- requests from adoptive parents or birth relatives for post-adoption openness.

When an individual wishes to contact the Adoption Branch with any of the above requests:

- advise them that contact can be made by telephone, fax or letter, and
- refer to Contact Information in the Appendix.

Refer the following requests to Information, Privacy and Records Services:

Requests for information, other than those listed above, made by any of the following, should be referred to Information, Privacy and Records Services Branch (refer to the Appendix for the address):

- adopted persons under 19 years of age
- adoptive parents
- birth parents, and
- adopted persons over 19 years of age.

Refer the following requests to the Vital Statistics Agency:

Adoption Act
s. 63

- requests from adopted adults, 19 years of age or over, wishing to access documents containing identifying information

Adoption Act
s. 64

- requests from birth parents of adopted adults, 19 years of age or over, wishing to access identifying information on the child they placed for adoption, and
- requests from persons involved in an adoption who wish to maintain their privacy by placing a disclosure veto or statement or a no-contact declaration and statement.

Refer the following requests to the Adoption Reunion Registry:

- requests from persons involved in an adoption who are interested in search and reunion services after the adoption order has been granted if the adopted person is over 19 years of age
- requests from an individual who has questions about any contact they may have had with a relative and wishes to confirm that the person is a relative, and
- requests from birth fathers for search and reunion services when they are not named on the birth registration.

Referrals to the Family Reunification Program

The Family Reunification Program is a provincial program funded by the ministry to provide services to assist Aboriginal adults who have been separated from family members through adoption or child welfare proceedings to reunite with their family members and/or tribal groups and cultural heritage. They can assist adopted adults or adults who were in foster care to:

- write requests or complete application forms required to search for family members
- apply for status under the *Indian Act*
- contact the Adoption Reunion Registry, the Ministry for Children and Families, or any other required service.

To contact the Family Reunification Program, refer to Contact Information in the Appendix.

The Post-adoption Openness Registry for Post-adoption Openness when an Adopted Child is Under the Age of 19

Adoption Act
s. 60

The adoptive parent(s) and the relatives of an adopted child who is under 19 years of age may register their interest in making openness agreements after the adoption order is granted.

Where an adoption was completed without provision for openness, the adoptive parent(s) may subsequently wish to have some degree of communication or contact with the birth parent(s) or other birth relatives of their child. The birth parent(s) or birth relatives may also wish to have knowledge about the health and well-being of the adopted child or some level of contact with the child and the adoptive parent(s).

Adoption Reg.
s. 19

The Post-adoption Openness Registry has been established for this purpose. It provides an opportunity for applicants to exchange identifying or non-identifying information any time after an adoption order has been granted until the adopted person reaches 19 years of age. The registry is administered and maintained by Adoption Branch. When there is a match between any two persons who have registered, they may enter into an openness agreement that is satisfactory to them both.

Before processing a match, sharing identifying information or facilitating contact, the Post Adoption Registry reviews ministry *CFCSA* and *Adoption Act* records relating to registrants to determine if there are safety risks. If a relevant record is found, the registry contacts the individual involved, and if the individual wishes to proceed, asks for consent to disclose the information. If the individual does not consent, the registry informs the individual that if he or she wishes to proceed, the information will be disclosed without their consent. If the individual chooses not to proceed, no information is disclosed.

Guidelines

The following persons may register on the Post-adoption Openness Registry:

- adoptive parent(s) of children under 19 years of age
- children under 19 years of age who are in the continuing custody of a director under the *CFCSA* or in the care of the Director of Adoption after adoption consents have been signed and with the permission of their guardian
- any relative, either by birth or adoption, of an adopted child, including:
 - an adopted child's birth sibling who is under 19 years of age, with the permission of the birth sibling's parent(s) or guardian
 - a birth mother
 - a birth father
 - grandparents
 - aunts
 - uncles
 - cousins

Adoptive parent(s) may register to exchange information with more than one birth relative of the child, and birth parent(s) or relatives may register to exchange information with more than one adoptive parent (if, for example, they are related to children who were adopted by different adoptive parents).

A child in continuing custody or under the guardianship of the Director of Adoption may register to exchange information with an adopted sibling or with more than one birth or adoptive relative.

When providing information about the Post-adoption Openness Registry, include the following:

- a Fact Sheet on the Post-adoption Openness Registry is available on the MCF Adoption web site (see Contact Information in the Appendix for the web site address)
- the Post-adoption Openness Registry is a "passive" registry; both individuals must register before they are contacted about entering into an openness agreement that is satisfactory to them both
- applicants may register any time after an adoption order is granted until the adopted person reaches 19 years of age
- if openness is requested with an adopted person 18 years or older, or if adoptive parent(s) of a child 18 years or over have registered their interest in openness:
 - the Post-adoption Openness Registry will check with Vital Statistics Agency to determine if the child has filed a disclosure veto or no-contact declaration
 - if a disclosure veto or no-contact declaration has been filed by the child, the adoptive parent(s) who have registered on the child's behalf or the relative will be notified and no action will be taken without the consent of the adopted person
- there is no fee to register with the Post-adoption Openness Registry
- to register:
 - applicants complete a Post-adoption Openness Registry Application (CF2658)
 - the application is available on the MCF Adoption web site (refer to Contact Information in the Appendix for the web site address)
 - applicants are required to specify with whom they wish to be matched for the purpose of entering into an openness agreement, and
 - applicants should forward the application and a copy of their birth certificate directly to the Post-adoption Openness Registry (refer to Contact Information in the Appendix for the address).

If an applicant requests assistance in negotiating a Post-adoption Openness Agreement

If either person in a match made by the Post-adoption Openness Registry requests assistance in the negotiation of a Post-adoption Openness Agreement, refer the person to a licensed British Columbia adoption agency or other service provider who may be able to negotiate the agreement, such as other professionals, other agencies, church members, etc. You may provide them with copies of ministry openness agreement forms to use as guidelines.

Access to Identifying Information by an Adopted Adult or the Birth Parent of an Adopted Adult through the Vital Statistics Agency

The *Adoption Act* makes it possible for adopted adults and the birth parents of adopted adults to obtain identifying information about each other.

Adoption Act
s. 63, 64

An adopted person 19 years of age or older may apply to the Vital Statistics Agency for a copy of his or her original birth registration and a copy of the adoption order. A birth parent of an adopted person 19 years of age or older may apply for a copy of the child's amended birth registration, which includes his or her name by adoption, and a copy of the adoption order.

In recognition of government's obligation to honour promises of confidentiality made under previous adoption legislation, the current *Act* also includes provisions for those who choose to maintain their privacy, including a written disclosure veto and a no-contact declaration.

Adoption Act
s. 65

A **written disclosure veto** prohibits the disclosure of a birth registration or information from an adoption order which may identify the person who filed the disclosure veto. A disclosure veto may be filed with the Vital Statistics Agency by an adopted person 18 years of age or over or by the person's birth parents if the adoption was completed under the previous legislation (prior to November 4, 1996). A disclosure veto may include a written statement including any relevant non-identifying information.

Adoption Act
s. 66

A **no-contact declaration** permits adopted persons and birth parents to access identifying information from a birth registration and adoption order, but personal contact with the person who filed the declaration will be legally prohibited. Adopted persons who are 18 years of age or over, and birth parents of adopted children, may register with the Vital Statistics Agency to file a no-contact declaration and a written statement included any relevant non-identifying information.

Adoption Act
s. 87

A person who contravenes a no-contact declaration commits an offence.

Services for accessing information and for maintaining privacy are provided by the Vital Statistics Agency. A birth parent's application for any of the Vital Statistics Agency services is valid only if the birth parent is named as a parent on the child's original birth registration. Where an urgent request for identifying information is received, or a request for identifying information is made by someone other than an adult adopted person or birth parent of an adult adopted person, refer the inquiry to Adoption Branch.

Guidelines

When providing information to adopted adults about accessing identifying information, include the following:

- they must be 19 years of age or older to access identifying information
- information is only available for adoptions completed in British Columbia
- upon application, the Vital statistics Agency provides:
 - to adopted adults born in British Columbia, a copy of their original birth registration and a copy of their adoption order
 - to adopted adults born outside of British Columbia, a copy of their original birth record if it is included in their records, (or if it is not available, a Statement Respecting Particulars of Birth) and a copy of their adoption order
- the documents will state the name they were given at birth and any birth parents' names noted on the registration.

When providing information to birth parents of adopted adults about accessing identifying information, include the following:

- they must be named as a parent on the child's original birth registration for their application to be valid
- the adopted adult must be 19 years of age or older before his or her birth parent(s) may access identifying information
- information is only available for adoptions completed in British Columbia
- upon application, the Vital Statistics Agency provides a copy of the adopted adult's amended Registration of Live Birth and a copy of the adoption order
- the documents state the name the adopted adult was given following the adoption, and
- the adoptive parent(s)' names and other identifying information will not appear on the released documents.

When providing information on provisions for maintaining privacy, include the following:

- adopted persons 18 years of age or older, or birth parents of adopted persons 18 years of age or older, who do not want to share identifying information with the other person may file a disclosure veto which prohibits the release of identifying information in the birth registration and adoption order
- only persons adopted under the former *Adoption Act* (adoptions completed prior to November 4, 1996) and their birth parent(s) are eligible to file a disclosure veto
- adopted persons 18 years of age or over, or birth parents who do not want contact with the other person, may file a no-contact declaration if they are willing to share identifying information but do not want the other person to contact them
- a birth parent may file a no-contact declaration at any time after the adoption order is granted
- persons adopted under the former *Adoption Act* and under the new *Adoption Act* and their birth parent(s) may file a no-contact declaration
- a birth parent must be named as a parent on the child's original birth registration for their application to file a veto or no-contact declaration to be valid
- a disclosure veto or no-contact declaration may be filed by another person on behalf of a birth parent or adopted person:
 - if the person has been appointed a committee of the birth parent or adopted person by the court, or
 - if the birth parent or adopted person's parent or guardian has provided the Director of Vital Statistics with affidavits from two medical practitioners setting out that the birth parent or adopted person is incapable of managing their own affairs by reason of mental infirmity, a genetic or heredity condition or disorder, or disability of the mind arising from the use of drugs
- a disclosure veto can be filed only if the adoption order was made before November 4, 1996
- a written statement may be included with the filing of either a disclosure veto or a no-contact declaration, and may include the following:
 - the reasons for wishing not to disclose identifying information or for wishing not to be contacted
 - in the case of a birth parent, a brief summary of any available information about the medical and social history of the birth parent(s) and their families, and
 - any other relevant non-identifying information
- all documents are filed with the Vital Statistics Agency

- a disclosure veto and a no-contact declaration remain in effect until rescinded or until two years following the death of the person on whose behalf the disclosure veto or no-contact declaration was filed
- the disclosure veto or no-contact declaration can be rescinded at any time by the person who filed it by applying in writing to the Vital Statistics Agency, and
- contravening a no-contact undertaking is an offense under the *Adoption Act* (refer to Practice Standard 8).

When referring individuals to the Vital Statistics Agency, advise them:

- there are fees for most services
- there is no fee for filing a disclosure veto or a no-contact declaration
- there is no fee for rescinding a disclosure veto or no-contact declaration filed under the former *Adoption Act*
- all forms are available on the Internet.

Refer to Contact Information in the Appendix for web site, address and phone number.

The Adoption Reunion Registry: The Passive Registry and Active Search and Reunion Services

The Passive Registry

Adoption Act
s. 69
Adoption Reg.
s. 22

Adopted persons who are 19 years of age or older and their adult relatives may register for the mutual exchange of identifying information. The Passive Registry, established for this purpose, requires applications from both an adopted adult and an adult relative before identifying information is exchanged and reunion takes place.

Adoption Reg.
s. 23

A male adult may register with the Passive Registry as an adopted adult's birth father for the exchange of identifying information if the person:

- has signed an acknowledgement of paternity
- has signed an unmarried parents' agreement
- was interviewed by a social worker and verbally acknowledged paternity, or
- is, in the opinion of the director, clearly identified on the record as the birth father.

Registration on the Passive Registry is the only way that a birth father who was not named on the birth registration, and who did not consent to the adoption, has the opportunity to contact an adult child who was placed for adoption.

Search and reunion services

Adoption Act
s. 71

Search and reunion services are available for adult adopted persons and birth parents of adult adopted persons. Even if adopted adults or birth parents have obtained identifying information about the person they are searching for, that person may be difficult to locate. In addition, some adopted adults or birth parents may prefer that a neutral person contact the other person to determine if they are interested in a reunion. The *Regulation* outlines how an individual may seek assistance in locating an adopted person, birth parent or sibling, and the fees required.

Adoption Reg.
s. 24

The Adoption Reunion Registry

The Passive Registry and active search and reunion services are provided by the Adoption Reunion Registry, which is funded by the ministry. They are available to persons involved in adoptions completed in British Columbia. Your role in the district office is to provide information on the range of services available and how to access these services.

Adoption Reunion Registry also provides counselling to clients and their families for help with issues that arise during the search and reunion process. Counselling can be provided by the Adoption Reunion Registry either by phone or at their office.

Guidelines

When providing information on the Passive Registry, include the following:

- The Passive Registry requires applications from both an adopted adult and a relative of the adopted adult before a match is made.
- Adopted adults may register on the Passive Registry to request contact with relatives by birth and adoption including birth parents, siblings, grandparents, aunts, uncles, cousins, nieces and nephews.
- Relatives by birth or adoption may register for contact with an adopted adult.
- Registration on the Passive Registry is the only way a birth father who was not named on the birth registration, and in many cases was not required to consent to the adoption, has the opportunity to contact a child placed for adoption.

- All persons requesting service are required to provide as proof of their identity a copy of either their birth certificate, passport, documents obtained from the Vital Statistics Agency under section 63 or 64 of the *Adoption Act* or citizenship card in order to register.
- The records in the Passive Registry are searched each time a new application is processed.

When providing information about active search and reunion services, include the following:

- Adopted adults are required to provide a copy of their original birth registration obtained from the Vital Statistics Agency when requesting that the Adoption Reunion Registry undertake a search.
- Birth parents of adopted adults are required to provide a copy of the amended birth registration for their child, obtained from the Vital Statistics Agency, when requesting that the Adoption Reunion Registry undertake a search.
- The Adoption Reunion Registry (ARR) will not undertake to search for a person who has filed a disclosure veto or no-contact declaration.
- Individuals who signed a consent to the adoption, but who were not named on the birth registration, may apply to the Adoption Reunion Registry for an active search:
 - they are not required to provide a copy of their signed consent
 - upon registering, the Adoption Reunion Registry will confirm whether a consent was signed
- If a birth parent is deceased, an adult child of the deceased birth parent may search for an adopted birth sibling. A copy of the death certificate must be provided.
- If an adopted adult is deceased, an adult child or grandchild of the deceased person may search for an adopted adult's birth parent(s), adult adopted sibling, or adult birth sibling, if the birth parent(s) are deceased. A copy of the birth and death certificate of the deceased adopted adult must be provided.
- When a search is concluded, the person located is required to consent to the release of identifying information before information is exchanged.

When referring applicants to the Adoption Reunion Registry, advise them that:

- there is a fee for service
- fees may be waived or subsidized on the basis of an income test
- a Self Directed Search and Reunion Guide is available from the Adoption Reunion Registry
- information on other registries in Canada is available from the Adoption Reunion Registry
- additional information about the services of the Adoption Reunion Registry is available on their web site (refer to Contact Information in the Appendix).

Appendix:

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The Role of Adoption Branch

Adoption Branch is responsible for:

- developing policy and practice standards for adoption services
- development of adoption competencies
- assisting in the development of adoption training
- licensing, monitoring and quality assurance of B.C.'s licensed adoption agencies
- supporting adoption practice of staff delegated by the Director of Adoption to carry out adoption responsibilities
- managing ministry registries including:
 - the registries of children available for adoption and of prospective adoptive parents in order to match children and families
 - the Birth Fathers' Registry which enables a birth father to register his interest and be notified of any adoption plan taking place in British Columbia involving his child (refer to Practice Standard 33)
 - the Post-adoption Openness Registry which facilitates openness arrangements after the adoption order is granted (refer to Chapter 13)
 - the Openness Exchange Registry which provides non-identifying exchange of letters, gifts and pictures (refer to Practice Standard 15)
- filing documents with the Supreme Court for completion of ministry-arranged adoptions
- publication of the Adoption Bulletin (profiles of children waiting to be placed for adoption)
- increasing public awareness about the children available for adoption through both provincial media recruitment campaigns and local advertising
- assisting in the development of recruitment plans and providing ongoing consultation to the field staff responsible for general recruitment both province-wide and in the regions
- providing regular reports to the field and management reflecting outcomes of adoption staff in each of the regions, as a way of capturing the work being done, and setting realistic goals and outcomes.
- ensuring all legal requirements in interprovincial and intercountry adoptions are met
- managing the Post-adoption Assistance Program
- providing funding to the Society of Special Needs Adoptive Parents (SNAP)
- providing funding to the Adoptive Families Association
- providing information to the Department of Indian Affairs and Northern Development to enable them to determine if an adopted aboriginal person is entitled to status under the *Indian Act*
- providing services to adopted persons after the order is granted including (refer to Chapter 13):
 - accessing records
 - providing medical information
 - settling estates
 - assisting with information needed in child welfare investigations
 - facilitating contacts or medical needs such as genetic testing and transplants
- providing funding to the Adoption Reunion Registry
- providing grants to the United Native Nations for the Family Reunification Program
- maintaining the ministry's electronic adoption bulletin board (BBADOPT)
- web site development and maintenance

Openness Considerations for Birth Parents Voluntarily Planning Adoption

This form is designed to help you choose the level of contact you would like to have with the adoptive parent(s) of your child both before and after placement. No one way is best for everyone, and there are many options for the level and type of contact between birth and adoptive parents. This is not a legal document and is only intended to be a guide to help you make the best choice for yourself and your child.

Meeting the Prospective Adoptive Parent(s)

1. I would like to meet the prospective adoptive parents(s) before placement of the child, without exchanging names, in order to share information of interest with each other.

Yes	No
-----	----

2. I would like to meet with the prospective adoptive parent(s) before the child is born to exchange names and addresses with a view to establishing a mutually acceptable plan for ongoing visits.

Yes	No
-----	----

How many years would you like the visits to continue?

3. I would like to make arrangements with the hospital to:
 - a. have the prospective adoptive parent(s) visit my child before I sign the adoption consent.

Yes	No
-----	----
 - b. Other:

Sharing Information Before the Adoption Order

4. I would like to send a letter and/or gift to the prospective adoptive parent(s) to be shared with the child so he/she can understand my reason for choosing adoption and know my feelings for him/her.

Yes	No	More information needed
-----	----	-------------------------

5. I would like to receive letters from the prospective adoptive parent(s) regarding the child before the adoption order.

Yes	No
-----	----

6. I would like to send photographs of myself to the prospective adoptive parent(s).

Yes	No
-----	----

7. I would like to receive photographs of the child from the prospective adoptive parent(s).

Yes	No
-----	----

How often?

8. I would like to know the name given to the child by the prospective adoptive parent(s).

Yes	No
-----	----

Any information shared can be sent via the Ministry for Children and Families.

Sharing Information After the Adoption Order is Made

9. I would like to exchange letters with the adoptive parent(s) on a regular basis after the adoption order is granted. The letters would be non-identifying and could be sent via the Ministry for Children and Families.

Yes

No

a. How many letters a year would you like to exchange?

b. For how many years would you like to exchange letters?

Other Requests

10. I would like the prospective adoptive parent(s) to visit with the infant in the hospital before I sign the adoption consent.

Yes

No

11. I would consider placing my child with the prospective adoptive parent(s) before signing the adoption consent with the understanding that at my request the child must be returned to me before I sign the adoption consent.

Yes

No

12. Even if I choose an option that does not involve ongoing contact with the child, I would like to be contacted if:

a. the child has a life-threatening illness

Yes

No

b. the child dies

Yes

No

c. the adoption placement has broken down

Yes

No

d. the adopting parent(s) die

Yes

No

If you indicated "yes" to any of the above, the Ministry for Children and Families will pass the information on, in writing, to the adopting parents. We must rely on the adopting parents to contact the ministry with information you've requested, as once the adoption order is granted the ministry does not keep contact with the adoptive family.

13. Other types of communication I would like to consider:

14. I would like other members of my extended family to have the opportunity to have contact/communication with my child as well.

Yes

No

15. Please identify the family members who have expressed interest, and the level of contact they would like to have.

Your adoption worker will discuss with you in more detail the level of openness you are interested in.

Suggestions for Discussing Openness with Birth Family Members or Other Significant People in the Child's Life

The following suggestions are designed to help you in discussing the level of contact between the adopted child and those who have a significant role in the child's life. This information will apply in situations where any of these individuals have approached you about openness, and in those where you are approaching others about contact with a child in continuing custody.

The considerations should reflect:

- the child's views on the subject
- the child's needs as identified in the Family and Social Relationships section of the child's comprehensive plan of care
- the child's best interests

The comfort level of the adoptive parent(s) should also be considered.

There is a range of options from minimal, non-identifying contact to full disclosure. No one way is best for every situation, and there are many possible combinations of options. This is only intended to be a guide to help you consider the issue of openness with a child in continuing custody.

This is a planning document only, it is not intended to be used by anyone other than the adoption worker who is considering the openness future for a child in continuing custody.

Sharing of Information Prior to the Adoption Order

1. Sharing of letters, gifts and/or pictures between the adoptive family and the significant other.

Yes

No

2. Sharing of the given name of the child by the prospective adoptive parent(s)

Yes

No

Any information shared can be sent via the Ministry for Children and Families.

Sharing of Information After the Adoption Order is Completed

3. Sharing of letters, gifts and/or photographs with the adoptive parent(s) on a regular basis after the granting of the adoption order. The letters would be non-identifying and could be sent via the Ministry for Children and Families.

Yes

No

If yes, how often and for how long would the exchange take place?

Other Requests

4. Meeting with the prospective adoptive parent(s).

Yes

No

If yes, how often?

5. Other types of communication that could be considered.

Cultural Plan for Placing an Aboriginal Child who is in Continuing Custody in a Non-Aboriginal Home

Introduction

The attached format is intended to assist MCF field workers who are planning for Aboriginal children in the continuing care of the Director.

The inclusion of the Aboriginal community in the development of plans for Aboriginal children is both required and necessary to ensure the preservation of the child's cultural identity. This planning is usually done for children under the age of 12. However, children who have the maturity and/or are over 12 will need to be included in the cultural planning and be given the opportunity to sign the Cultural Plan.

British Columbia and Canada have many First Nations/Aboriginal communities that possess a unique culture and language. This makes it very important that there be a process for identifying and ensuring that a child's unique cultural identity is preserved, as follows:

1. Determine the Aboriginal identity of the child.
2. Determine which First Nations/Aboriginal community the child is a member of or eligible to be a member of.
3. Find out if the community is associated with a First Nations/Aboriginal child and family service agency.
4. Ensure the child's specific cultural identity is known.
5. Engage the Band/agency in the development of the plan for adoption. Ensure a primary contact is identified who will be the cultural link in the planning.
6. Meet with the adoptive parent(s) and ensure they will participate in the cultural planning for the child.
7. Complete the Cultural Plan that has been agreed to between the Band/agency and the adoptive parent(s).

The role of the First Nations/Aboriginal community

In developing a plan for preserving an Aboriginal child's cultural identity, it is important that the child's First Nations/Aboriginal community be actively involved at all stages of the child's planning. The First Nations/Aboriginal community is the primary source of information regarding the child's cultural heritage, including:

- extended family and genealogy
- language
- cultural ceremonies (potlatch, feast, pow wow, sun dance, big house)
- traditional foods
- spiritual practices (sweat lodge, smudging, fasting, prayer, use of eagle feathers, sharing circles)
- traditional teachings (the ways of men and women, roles of maternal extended family, roles of paternal extended family)
- clans, houses
- elders
- hereditary chiefs

The First Nations/Aboriginal community needs to be approached and asked how they can participate in ensuring an Aboriginal child has access to the community and the culture in a meaningful way. Things the community can do include:

- Holding a family meeting to discuss the child and the child's adoptive plan - have the family identify who the primary contact will be to ensure that the child and the adoptive family know about community activities; cultural ceremonies; traditional foods; community celebrations; community tragedies; language (teacher/interpreter).
- Providing a central place for the exchange of pictures, school reports, and progress reports.
- Assigning someone to send videos, newsletters, newspapers (e.g, Windspeaker), community updates to the child and adoptive family.
- Identifying a central place (Band office, Aboriginal child and family service agency, school or health office) for the adoptive family to make contact with when they are visiting in the community.
- When the Aboriginal community is in an urban centre, the Aboriginal child and family service agency (e.g, Vancouver Aboriginal Child and Family Services Society; Métis Family Services; Friendship Centre Society) can be involved in assisting or providing input into developing a Cultural Plan. A statement needs to be included about how contact between the child/adoptive parent(s) and other agencies and resources in the urban Aboriginal community can be facilitated and maintained. These agencies would be fully involved for those Aboriginal children who have no identified Band affiliation.

Role of the Adoptive Family

Families who want to adopt an Aboriginal child must be open to learning about the child's unique cultural heritage and participating in available cultural ceremonies and practices to assist in preserving the child's cultural identity. They can do this by:

- welcoming the identified primary contact person into their home and family
- attending cultural events in the identified First Nations/Aboriginal community when possible
- learning how to prepare and serve traditional foods in their home
- visiting the identified First Nations/Aboriginal community on a regular basis to learn who the people are and to be a welcomed person in the community
- maintaining contact with the child's birth parent(s) and extended family when possible
- inviting the community contact person, birth parent(s), extended family and/or chief to special events in the child's life - birthdays, school plays, sporting events, graduations, etc.
- be willing to learn the language of the Aboriginal community and/or facilitate the child's learning it
- locating and purchasing any books, magazines or videos about the child's specific cultural heritage
- working with the contact person to learn about the traditional teachings and pass these along to the child to the best of their ability.

Information Sharing

The *Adoption Act* outlines the provisions for sharing information depending on whether an adoption is open, partially open or closed. Ensure that the First Nations/Aboriginal community and the adoptive parent(s) are familiar with these provisions as well as any safety issues related to disclosing identifying information about the whereabouts of the child/adoptive parent(s).

Should the child and the adoptive parent(s) move a significant distance from the town or community the child is from and as a result find it difficult to travel to scheduled events and visitations, the family will still comply with the Cultural Plan to the best of their ability. This includes exposing the Aboriginal child to his or her culture through videotapes, books, etc., and maintaining contact with the identified contact person/extended family through phone calls or letters.

Should the adoptive family or the First Nation/Aboriginal community change mailing address or phone number, they are to keep the other person informed and updated as required.

SAMPLE
CULTURAL PLAN
for
ABORIGINAL CHILDREN PLACED FOR ADOPTION IN A
NON-ABORIGINAL HOME

Child: SAMANTHA CROW
Date of Birth: 1996 Aug 10
Adoptive Parent(s): Lorna and Gerald Nicholas
Status Number: 943-68938475
**First Nations/
Aboriginal Community:** Long Beach First Nation
Community Contact: Joyce Turtle, maternal aunt

Lorna and Gerald Nicholas have demonstrated a respect for and willingness to preserve Samantha Crow's cultural identity. The following plan for maintaining Samantha's cultural identity has been mutually developed between Lorna and Gerald and the Long Beach First Nation.

The Adoptive Parent(s) agree to:

Community Contact:

- maintain regular contact with Joyce Turtle, the person identified as the Aboriginal community contact as follows:
 - by telephone, letter, email or in person once per month
 - photographs once per year and on special occasions (Christmas, Birthday)
 - copies of school reports twice per year
 - an annual written progress report
- participate with Samantha in the cultural events that Joyce notifies them about when possible
- learn how to prepare and serve the traditional foods that will be provided by Joyce Turtle on a quarterly basis.

Sibling/Extended Family Contact:

- facilitate visits between Samantha and her sister, Sabrina, as follows:
 - monthly phone contact with Sabrina's foster mother (or caregiver if siblings are not in care)
 - monthly phone contact between Samantha and Sabrina
 - visits between Samantha and Sabrina twice per year - once in their own home and once in Sabrina's home (adoptive parent(s) and caregiver(s) to make the arrangements between themselves)
- provide pictures, school reports and progress reports to Samantha's mother as follows:
 - through the Openness Exchange Registry in Victoria (see attached)
- receive any pictures and updates that the mother provides through the Openness Exchange Registry and share these with Samantha
- facilitate visits between Samantha and her maternal grandparents as arranged by Joyce

The Long Beach First Nation agrees to:

- identify a contact person (Joyce Turtle, maternal aunt) who will be responsible for maintaining contact with Samantha and the Nicholases as follows:
 - monthly by telephone, letter, email or in person

- mailing pictures of the community once per year
- forwarding copies of the community newsletter twice per year
- Joyce will notify the Nicholases when there are cultural events scheduled in the community and will accompany them to the event to provide translation for the family as needed and to help them learn about the traditional custom or ceremony they are participating in.
- Joyce will ensure that Samantha knows which clan she belongs to and will guide Samantha during the cultural events to understand her place in the clan.
- share with the Nicholases and Samantha the traditional teachings about raising a girl in the (Coast Salish) culture and help to ensure that Samantha understands her role as a female member of the Long Beach Band.
- provide the Nicholases and Samantha with (salmon, herring roe, deer, soap berries, moose, grouse) four times per year and teach them how to prepare these foods.
- notify the Nicholases when the maternal grandparents want to visit with Samantha and arrange the transportation.

Lorna and Gerald Nicholas, Joyce Turtle and the Long Beach First Nation agree to follow the provisions for confidentiality and disclosure of information pursuant to section 62 of the *Adoption Act* (attached).

This Cultural Plan will be reviewed by the participants on an annual basis and changes made as required.

Signed:

Suggestions for Pre-placement Visits

The following suggestions are recommended by Vera Fahlberg in *A Child's Journey through Placement* (Indianapolis: Perspectives Press, 1991). Information about this book is available on the Perspectives Press web site at <www.perspectivespress.com>.

1. Prior to the first visit, begin by indirectly introducing the child to the family through videotapes and family books.
2. Leave materials about the new family with the child and foster parents for a regular review to facilitate a discussion of feelings, questions and concerns up until the first pre-placement visit. Visit the child during the interim, to further address any fears the child may have or to clarify the process.
3. Co-ordinate an introductory meeting, excluding the child, between the foster parents and the new parents.
4. The first and possibly second visit should occur in the child's foster home where the child feels safe and secure. The crucial message to be conveyed to the child, whether the child is verbal or non-verbal, is that the foster parents accept and approve of the new parents. Be present for the first visit.
5. Foster parents should suggest an outing during the second or third visit to give a message of trust.
6. New parents bring toys along on visits and take all but one home with them at the end of the visits.
7. Consult with everyone involved after the second visit to find out their respective perceptions of the visits, and, if appropriate, to map out a visitation schedule.
8. New parents visit frequently and at different times of the day to become familiar with the child's routines. When new parents assist the foster parents with specific caregiving tasks, the child is given the message of approval and trust by the foster parents.
9. New parents meet with the significant others in the child's life (teachers, therapists, etc.) as well as the foster parents, without the child being present, to review the child's routines, likes and dislikes, and coping mechanisms.
10. Visits in the new family home should, as closely as possible, approximate the family's normal routine and lifestyle to avoid setting the child up for a false honeymoon.
11. The objectives of the pre-placement visits are to facilitate relationship building and attachment formation, help identify problems, and assist the child and family to become familiar with each other's routines. The frequency and duration of visits are determined by the child's needs. Suggested schedule:
 - 0-4 months old: 2-3 days of length in the foster home
 - 1-3 years old: 7-10 days extensive day visits in foster and adoptive home
 - 3 years+: 10 days to 6 weeks in foster home and adoptive home (including overnight visits)
12. During supervisory visits, facilitate the expression of the full spectrum of feelings by everyone involved.
13. A goodbye party with the old family can help the transition.
14. On the day of the move, foster parents and the new family should join together to finish packing and load the car. With pre-verbal children, the foster mother should hand the child over to the new mother. The child needs to feel he or she was given versus kidnapped. Feelings should be expressed.
15. Foster parents visit the child in his or her new home 3 to 6 weeks after the move, and the child, along with the new parents, visits the foster family within several months of placement and phone contact is encouraged in the interim.

Handout for Prospective Adoptive Parents following the Placement of a Child in Their Home

(Note to adoption workers: Use the tick boxes to indicate which steps the prospective adoptive parent(s) should complete following placement.)

- Apply to add the child to your B.C. Medical Services Plan. Use the name you have given the child, and include a copy of the letter you received acknowledging the Notice of Placement, which verifies the adoption placement.
- Contact your local Public Health office to arrange for the child's immunization, using the name you have given the child.
- If the child was in the continuing care of the Ministry for Children and Families, provide the public health nurse with the child's Health Passport given to you by the adoption worker at the time of the child's placement in your home.
- If you are Aboriginal and receive medical coverage through Health Canada, coverage for the child will not be provided until the adoption order is granted. In the meantime, apply to the B.C. Medical Services Plan for interim coverage.
- Provide your medical practitioner with a copy of any additional medical reports on the child that were provided to you by the adoption worker.
- Apply for the Child Tax Benefit through Revenue Canada, using the name you have given the child, and refer to yourselves as the prospective adoptive parents. Note: Benefits are generally received one month after you meet the conditions of eligibility. If you delay in applying, you will be paid retroactively from the month you became eligible, but an early application is recommended.
- If you wish to provide inheritance rights for the child in the interim until the adoption order is granted, you can prepare a will, identifying the child by the name you have given the child, and the child's sex, birth date and birth place.
- If the child you are adopting is from outside Canada, contact Citizenship and Immigration Canada for information about obtaining Canadian citizenship for the child.

Benefits and Rights of Status Under the Indian Act

Refer to the Department of Indian Affairs and Northern Development's web page at <www.inac.gc.ca> for "All You Wanted to Know," a publication about federal programs and services for Registered Indians.

Reserve lands

A Band member is entitled to live on and use Reserve land of the Band to which they belong, subject to any bylaw enacted by the Band. They can be given the right to lawful possession of lands on Reserve and can transfer or will that right to other members of that Band.

Reserve lands and earnings made on Reserve are exempt from seizure, property and other taxes.

In British Columbia, Quebec and Ontario, there may be exemptions from sales tax on most goods purchased for use on Reserve.

A Band member can share in per-capita distribution of monies derived from the utilization of land assets on Reserve, such as the sale of timber, royalties from oil and the sale of surrendered land.

Education

Financial assistance is available for secondary and post-secondary education.

Before the completion of secondary education, if there is a need for financial assistance not available from any other source, the Department of Indian Affairs and Northern Development may provide funds for school supplies, books and, in some cases, a personal allowance for an Aboriginal child normally resident on Reserve.

If financial assistance is needed to pursue educational programs at the post-secondary level, educational assistance granted to Aboriginal people living on Reserve may be extended to off-Reserve Aboriginal students who are considered residents of Canada at the time of application. Applications for assistance to attend institutions outside Canada may be approved if comparable Canadian courses are not available.

Hunting, fishing and trapping rights

There are hunting, fishing and trapping rights on Reserves and unoccupied Crown land.

For further information, contact the provincial Fish and Wildlife Branch, Ministry of Environment, Lands and Parks (provincial), or the Department of Fisheries and Oceans, Native Affairs Branch (federal).

Non-insured medical benefits

Health Canada medical coverage may be available for non-insured medical benefits, including:

- medical supplies and equipment
- prescription drugs
- dental care

Please contact Health Canada for specific information regarding benefits. The web site address is: <www.hc-sc.gc.ca/msb/nihb>.

Other benefits

- loans and grants available under the Indian Economic Development Program and Indian on-Reserve housing program for Band members
- employment in the United States without a visa and border crossing privileges into that country under the "J" treaty, and
- special provisions under the *Veteran's Land Act*

Contact Information

Ministry Contacts

Adoption Branch

(including the Openness Exchange Registry, Post-adoption Openness Registry, Birth Fathers' Registry)
Ministry for Children and Families
PO Box 9705 STN PROV GOVT
Victoria, BC V8W 9S1
Web site: www.mcf.gov.bc.ca/adopt/adoption.html

Aboriginal Child and Family Services

Ministry for Children and Families
PO Box 9766 STN PROV GOVT
Victoria, BC V8W 9S5
Web site: www.mcf.gov.bc.ca/aboriginal/

Information, Privacy and Records Services Branch

Ministry for Children and Families
PO Box 9702 STN PROV GOVT
Victoria, BC V8W 9S1
Telephone: (250) 387-0820
(For access to information and records of completed adoptions.)

Non-ministry Contacts

Adoption Reunion Registry

Family Services of Greater Vancouver
#202-1600 West 6th Avenue
Vancouver, BC V6J 1R3
Telephone: (604) 736-7917
Fax: (604) 736-7916
Web site: www.adoptionreunion.net

Enquiry BC provides toll-free transfer service to the Adoption Reunion Registry (ARR). To contact the ARR from Vancouver and the Lower Mainland, call (604) 736-7917. From Victoria, Enquiry BC's number is 387-6121. From elsewhere in the province, call 1-800-663-7867. When calling Enquiry BC to reach the ARR, callers must state that they are requesting a transfer to (604) 736-7917.

The Adoptive Families Association (AFA)

#205 - 15463 - 104th Avenue
Surrey, BC V3R 1N9
Telephone: (604) 588-7300
Fax: (604) 588-1388
Web site: www.bcadoption.com

The Special Needs Adoptive Parents' Association (SNAP)

The United Kingdom Building
#1150-409 Granville Street
Vancouver, BC V6C 1T2
Telephone: (604) 687-3114 or 1-800-663-7627
Fax: (604) 687-3364
Web site: www.snap.bc.ca

The Board of Registration for Social Workers

#407 - 1755 West Broadway Avenue
Vancouver, BC V6J 4S1
Telephone: (604) 737-4916
Fax: (604) 737-6809

British Columbia Vital Statistics Agency

PO Box 9657 STN PROV GOVT
Victoria, BC V8W 9P3
Telephone: (250) 952-2681
Toll-free number: 1-800-663-8328 for calls originating outside of Victoria or Vancouver. For calls originating in Vancouver, phone 660-2937.
Fax: (250) 952-2527
Web site: www.hlth.gov.bc.ca/vs

Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention)

Web site: www.hcch.net/e/status/stat33e.html

Criminal Injury Compensation Program (Workers' Compensation Board)

PO Box 5350 STN TERMINAL
Vancouver, BC V6B 5L5
Telephone: (604) 244-6400
Fax: (604) 244-6480
Web site: www.worksafebc.com

Indian Registration and Band List Program

Department of Indian Affairs and Northern Development
Suite 600, 1138 Melville Street
Vancouver, BC V6E 4S3
Telephone: (604) 666-2059
Fax: (604) 666-3808

Department of Indian Affairs and Northern Development

Lands and Trust Service
Ottawa, ON K1A 0H4
Attention: Adoption Unit
Telephone: (819) 953-9176
Fax: (819) 997-6296
Web site: www.inac.gc.ca

Nisga'a Lisims Government

PO Box 231
New Aiyansh, BC V0J 1A0
Telephone: (250) 633-3000
Fax: (250) 633-2367
Web site: www.ntc.bc.ca

Family Reunification Program (United Native Nations Society)

626 Bute Street, 2nd Floor
Vancouver, BC V6E 3M1
Telephone: (604) 688-1821; Toll-free: 1-800-555-9756
Fax: (604) 688-1823
Web site: www.unns.bc.ca

Health Canada

Telephone: (604) 666-4153

Web site: www.hc-sc.gc.ca/msb/nihb

Medical Services Plan

Web site: www.hlth.gov.bc.ca/msp

Public Guardian & Trustee of British Columbia, Child & Youth Services

Attention: Trust Administration/Adoption

700 - 808 West Hastings Street

Vancouver, BC V6C 3L3

Telephone: (604) 775-2424

Fax: (604) 775-3479

List of Licensed B.C. Adoption Agencies

The following agencies are licensed to operate an adoption agency as stipulated by the *Adoption Act (1996)* and the *Adoption Agency Regulations*

The Adoption Center

255 Lawrence Avenue
Kelowna, BC V1Y 6L2
Attn: Bill Downie, Administrator/Executive Director
Contact: Marni Bodner, Social Worker
Telephone: (250) 763-8002; Toll free: 1-800-935-4237
Fax: (250) 763-6282; e-mail: kcr@silk.net

Choices Adoption and Counseling Services

214 - 1095 McKenzie Avenue
Victoria, BC V8P 2L5
Attn: Joyce Masselink, Executive Director/Administrator
Telephone: (250) 479-9811; Fax: (250) 479-9850; e-mail: choices@pacificcoast.net

Family Services of Greater Vancouver

205 - 1600 West 6th Avenue
Vancouver, BC V6J 1R3
Attn: Cathy Loptson, Administrator
Telephone: (604) 736-7613; Fax: (604) 736-7916; e-mail: adoption@fsgv.bc.ca

Hope Services

200-2975 Gladwin Road,
Abbotsford, BC V2T 5T4
Attn: Lorne Welwood, Administrator
Telephone: (604) 850-1002; Fax: (604) 852-1045; e-mail: hopeserv@telus.net

LDS Adoption Services of British Columbia

British Columbia Agency
10122 140th Street
Surrey, BC V3T 4M9
Attn: Michael D. Todd, Executive Director/Administrator
Telephone: (604) 585-7735; Toll Free: in BC: 1-888-285-7735; in Alberta: 1-800-563-9956
Fax: (604) 585-2977

Northern Interior Regional Health Board

Adoption Services

1444 Edmonton Street
Prince George, BC V2M 6W5
Attn: Tim Rowe, President and CEO and Administrator
Telephone: (250) 565-7492; Toll free: 1-888-736-8811
Fax: (250) 565-7386; e-mail: mdhenin@pgrhosp.hnet.bc.ca

Sunrise Adoption Centre

IBM Tower at Pacific Centre
Suite 1500 - 701 West Georgia Street
Vancouver, BC V7Y 1E9
Attn: Douglas R. Chalke, Executive Director
Telephone: (604) 984-2488; Toll free: 1-888-984-2488
Fax: (604) 980-6469; e-mail: dchalke@sunriseadoption.com

Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories and Schedule C: Adoption and Post-adoption Services

Note: Schedules A and B are available on MCF Connect (Intranet).

Introduction

This Protocol provides a framework for consistent, quality services to children and families moving between provinces. The intent is that children and families should experience smooth transitions and receive emergency responses with minimal service disruption.

The Protocol exemplifies the desire of provinces and territories to co-operate and share responsibility for mutual clients. It is based on the principle that the protection and best interests of children are the primary considerations in all decisions and services.

General Provisions

1. Definitions

adoptive applicant - a person or persons who have applied to adopt a child in care, but who have not received a child for purposes of adoption.

adoptive parent - depending on the context, a person or persons who have received a child in care for purposes of adoption or who have been granted an order of adoption of a child.

child - a person who is under 18 years of age.

child in care - a child who has been apprehended by a child welfare authority or who is in the care, custody or guardianship of a child welfare authority by a court order or voluntary agreement or adoption consent.

child welfare - legislated programs in provinces and territories in Canada relating to child protection services, services to children in care, and adoption and post-adoption services.

foster family - a family, other than a parent or guardian of a child, approved by a child welfare authority to provide care and supervision of a child in care.

local authority - an agency, society, region or centre that has statutory responsibility for the delivery of child welfare services in a particular geographical area or for a specific group within a province.

originating province - unless otherwise defined, the province, including the appropriate local authority, that requests child welfare services from a receiving province or agrees to the repatriation of a child from a receiving province.

province - a province or territory of Canada.

provincial authority - the central authority responsible for the administration of child welfare legislation for a province or territory.

receiving province - unless otherwise defined, the province, including the appropriate local authority, that agrees to provide child welfare services at the request of an originating province or repatriates a child to an originating province.

residential care facility - a staffed facility other than a foster home used for the placement of a child or young adult by a local authority.

young adult - a person who is 18 years of age or older and who is or was in care of, or who has entered into a support agreement with, a local authority in an originating province.

2. Protocol and Schedules

This Protocol applies to child welfare services provided to children and families moving between provinces. The nature and scope of the services are set out in schedules attached to this Protocol. Unless the context indicates otherwise, this Protocol includes the following schedules:

Schedule A - Child Protection Services

Schedule B - Children in Care

Schedule C - Adoption and Post-adoption Services

Note: Schedules A and B are available on MCF Connect (Intranet).

3. Commitment to Protocol

Each province agrees to:

- a. work co-operatively with other provinces to facilitate continuity and minimize disruption in the delivery of services under this Protocol to the extent permitted by its legislation and policy; and
- b. as part of its ongoing review of legislation and policy, consider changes to its legislation and policy that will enhance the provision of services under this Protocol.

4. Co-ordination of Services

4.1 Information Sharing

Each province agrees to facilitate the sharing of information with respect to persons needing or receiving services under this Protocol to the extent permitted by its legislation and policy. As a general rule, personal information is shared with the consent of the persons who are the subject of the information. To the extent permitted or required by legislation in each province, personal information may be shared without the person's consent in situations involving the protection of a child or services on behalf of a child in care.

4.2 Provincial and Local Authorities

The provincial authority in each province agrees to facilitate the co-ordination of services included in this Protocol either directly or through the involvement of the appropriate local authority. The role of the provincial authority and the local authorities may vary according to the legislation and policy of each province.

4.3 Services to Aboriginal Children and Families

When providing services to Aboriginal children and families under this Protocol, the receiving province agrees to follow legislative requirements and existing protocols of the originating province with respect to Aboriginal children and families to the extent possible under the receiving province's legislation and policy.

5. Financial Responsibilities

5.1 Service Delivery Costs

In providing services under this Protocol, a receiving province is responsible for salaries and operating costs normally incurred in the delivery of child welfare services including:

- a. services to families;
- b. child protection investigations;
- c. arranging for the signing or renewal of voluntary service or placement agreements;
- d. serving child welfare court documents;
- e. preparing social assessments or homestudies;
- f. participation in case planning;
- g. monitoring and supervising the placement of children;
- h. adoption and post-adoption services.

5.2 Maintenance and Service Expenditures - Originating Provinces

In requesting services from a receiving province, an originating province agrees to pay for:

- a. special foster care rates pursuant to paragraph B6.3.2 in Schedule B;
- b. financial assistance to young adults;
- c. psychological and psychiatric services not paid for by public health insurance or other publicly funded sources in a receiving province;
- d. residential care facility per diems and related costs;
- e. adoption subsidy payments; and
- f. children's special services not available through publicly funded programs in the receiving province.

5.3 Maintenance and Service Expenditures - Receiving Provinces

In providing services requested by an originating province, a receiving province agrees to pay for:

- a. expenses related to repatriating children pursuant to Schedule A;
- b. basic foster care at the rate normally provided by the receiving province and special foster care rates pursuant to B6.3.1 in Schedule B; and
- c. other expenditures as negotiated on a case by case basis between the originating and receiving provinces.

6. Implementation of Protocol

6.1 Provincial Contacts

Upon signing this Protocol, each province shall:

- a. designate one or more provincial contacts responsible for facilitating and coordinating services included in this Protocol; and
- b. provide all parties to this Protocol with a list of its provincial contacts and subsequent updates to the list, distributed on a timely basis.

6.2 Local Authorities and Services Providers

The provincial authority in each province shall:

- a. ensure that all local authorities in its jurisdiction are provided with a copy of this Protocol and any amendments;
- b. provide direction and advice as necessary to local authorities in its jurisdiction to promote compliance with this Protocol;
- c. provide all parties to this Protocol with a list of its local authorities and subsequent updates to the list, distributed on a timely basis; and
- d. facilitate communication between local authorities in its jurisdiction and other provincial or local authorities.

7. Dispute Resolution

7.1 Disputes Between Local Authorities

In the event that a dispute between local authorities in an originating and receiving province cannot be resolved, the matter shall be referred to the provincial contact for each province with a view to facilitating a mutually satisfactory resolution of the matter.

7.2 Involvement of Provincial Directors

In the event that the dispute referred to in subsection 7.1 cannot be resolved with the help of provincial contacts for each province, the matter shall be referred to the provincial director responsible for the child welfare program in each province.

8. Inclusion and Withdrawal

8.1 Opting into Protocol

A province that has not signed the Protocol on or before the date it comes into force may opt into the Protocol by giving 30 days notice in writing to all parties to the Protocol together with a copy of the Protocol executed by its proper authority.

8.2 Opting out of Protocol

A province may opt out of this Protocol by giving 90 days notice in writing to all parties to this Protocol.

9. Amendments to Protocol

9.1 Review of the Protocol

A formal review of the provisions in this Protocol may be undertaken at any time with the approval of a majority of the parties.

9.2 Amendments

Amendments to this Protocol may be made upon the written consent of all the parties executed by their proper authorities.

9.3 Schedules

Schedules may be added to or deleted from the Protocol upon the written consent of all the parties executed by their proper authorities.

10. Commencing of Protocol

10.1 Effective Date

This Protocol comes into force on March 1, 2001. It shall apply to those provinces that have signed the Protocol on or before the date it comes into force and any party that subsequently opts in pursuant to subsection 8.1. This Protocol shall not apply to a party that subsequently opts out pursuant to subsection 8.2.

10.2 Existing Protocol

This Protocol replaces the Interprovincial/Territorial Protocol on Children Moving Between Provinces/Territories as of March 1, 2001.

10.3 Signing by Parties

This Protocol may be executed in several counterparts, each of which, when so executed by all parties hereto, shall be deemed to be an original of this Protocol and such counterparts together shall constitute but one and the same instrument.

Schedule C: Adoption and Post-adoption Services

C1. Schedule Application and Interpretation

Schedule C applies to:

- a. adoption inquiry and application services;
- b. adoption placement services;
- c. subsidized adoptions; and
- d. post-adoption services.

C2. Adoption Inquiry and Application Services

C2.1 Originating and Receiving Provinces

In section C2, the originating province is the province, including the appropriate local authority, where the person who is inquiring about adoption services or an adoptive applicant resides. The receiving province is the province, including the appropriate local authority, to where an adoption inquiry is directed or an adoptive applicant is moving.

C2.2 Adoption Inquiries

C2.2.1 Subsection C2.2 applies to people who are inquiring about adoption services and requirements in provinces other than the originating province and pertains to inquiries about all types of adoptions. The remainder of this schedule applies only to the adoption of children in care of a provincial or local authority.

C2.2.2 In response to an inquiry about interprovincial adoption services in another province, the originating province shall:

- a. provide information to the person about its legislative and policy requirements; and
- b. refer the person to the provincial authority or appropriate local authority in the receiving province for information about that province's legislative and policy requirements.

C2.3 Adoptive Applicant Referrals

C2.3.1 Subsection C2.3 applies to persons who have applied to adopt a child in care and who are moving from an originating province to a receiving province.

C2.3.2 With the written authorization of an adoptive applicant who has applied to adopt a child in care in an originating province and who is moving to a receiving province, the originating province shall forward the following to the receiving province within 30 days from the date the authorization is received:

- a. an original or copy of the applicant's adoption application;
- b. original or certified copies of all documents on file relating to an adoptive applicant's marital status or relationship to a partner including, but not limited to, a marriage certificate, declaration of commitment to a partner, divorce certificate or death certificate;
- c. any preliminary information or assessments on file with respect to the suitability of the adoptive applicant;
- d. if completed, a copy of the most recent homestudy and any homestudy updates conducted with respect to the adoptive applicant;
- e. supporting documentation on file including police and other applicable checks, medical reports and personal references; and
- f. other relevant information and documentation on the adoptive applicant's file.

C2.3.3 Upon receiving a referral from the originating province pursuant to paragraph C2.3.2, the receiving province shall:

- a. accept the adoption application as if it were made in the receiving province and place the adoptive applicant on its waiting list, if applicable, as of the date of the application in the originating province;
- b. open an adoption file as may be required under its legislation and policy; and
- c. if the originating province has completed a homestudy on the adoptive applicant, accept the homestudy subject to any updates or further adoption preparation and assessments required under the receiving province's legislation and policy.

C3. Adoption Placement Services

C3.1 Originating Province

In section C3, the originating province is the province, including the appropriate local authority, that has the child in care. The receiving province is the province, including the local authority, where a prospective adoptive applicant resides or to where a child in care and adoptive applicant are moving.

C3.2 Adopting a Specific Child in Care

C3.2.1 When a prospective adoptive applicant in a receiving province inquires about adopting a specific child in care in an originating province, the originating province shall contact the receiving province within 30 days of receiving an inquiry to:

- a. advise if the child is available for adoption and may be considered for adoption placement with the prospective adoptive applicant;
- b. advise if the prospective adoptive applicant may be eligible for an adoption subsidy with respect to the child; and
- c. if the child is legally available for adoption, request a preliminary assessment to estimate the capacity of the prospective adoptive applicant to meet the needs of the child in care.

C3.2.2 When an originating province inquires about the possibility of placing a specific child in care with a prospective adoptive applicant who resides in a receiving province, the receiving province shall within 30 days of receiving an inquiry or such period of time as negotiated between the originating and receiving provinces:

- a. carry out a preliminary assessment to determine the interest and estimate the capacity of the prospective adoptive applicant to meet the needs of the child in care; and
- b. advise the originating province in writing if placement seems viable and if the receiving province will conduct a homestudy of the prospective adoptive applicant.

C3.2.3 The receiving province shall complete a homestudy on the adoptive applicant and forward a copy to the originating province within six (6) months from the date the originating and receiving provinces agree to a tentative plan to place the child in care for adoption, or such period of time as negotiated between the originating and receiving provinces.

C3.2.4 The originating province shall develop a written placement plan in collaboration with the receiving province upon:

- a. concluding that it is in the best interests of the child to be placed for adoption with the adoptive applicant in the receiving province; and
- b. receiving confirmation that the adoptive applicant has been approved or will likely be approved for adoption by the receiving province.

C3.2.5 A written adoption placement plan developed pursuant to paragraph C3.2.4 shall include:

- a. arrangements for pre-placement visits;
- b. provision for the receiving province to supervise the placement;
- c. if applicable, provision for an openness agreement or agreements;
- d. if applicable, information about the availability of an adoption subsidy pursuant to subsection C4.2; and

- e. a time frame for applying to court for an order of adoption and confirmation as to where the application will be made.

C3.2.6 Prior to the child in care being placed for adoption with the adoptive applicant who is residing in the receiving province:

- a. the originating province shall request in writing that the receiving province provide supervision of the child as outlined in the adoption placement plan; and
- b. the receiving province shall confirm in writing that it will provide the requested supervision as outlined in the adoption placement plan.

C3.3 Child in Care Moving with Adoptive Parent

C3.3.1 When it becomes known that a child in care and his or her adoptive parent are moving to a receiving province prior to a court granting an order of adoption, with the written consent of the adoptive parent, an originating province shall provide 30 days prior written notice of the move to the receiving province if the circumstances permit.

C3.3.2 At the request of the originating province, the receiving province shall as soon as reasonably possible after receiving the notice under paragraph C3.3.1:

- a. advise the originating province as to which local authority has responsibility for providing adoption services in the receiving province; and
- b. forward the notice to the appropriate local authority in the receiving province.

C3.3.3 The originating province shall develop a written plan for completion of the adoption in collaboration with the receiving province. When possible, the plan shall be developed prior to the adoptive parent's move to the receiving province. The plan shall include:

- a. provision for the receiving province to supervise the placement;
- b. a time frame for applying to court for an order of adoption and confirmation as to the province where the application will be made;
- c. if applicable, information about any additional legal requirements relating to completion of the adoption identified by the receiving province;
- d. if applicable, information about the availability of an adoption subsidy pursuant to subsection C4.3.

C3.3.4 Prior to the adoptive family moving to the receiving province, if possible:

- a. the originating province shall request in writing that the receiving province provide supervision of the child as outlined in the adoption plan; and
- b. the receiving province shall confirm in writing that it will provide the requested supervision.

C3.3.5 The originating province shall forward information on the adoptive parent to the receiving province within 30 days of the adoptive applicant's move to the receiving province pursuant to paragraph C2.3.2.

C3.4 Information on Child in Care

When a child in care is placed for adoption in a receiving province pursuant to subsection C3.2 or moves with an adoptive parent to a receiving province pursuant to subsection C3.3, the originating province shall forward, at a minimum, the following to the receiving province within 30 days of the placement or move:

- a. a certified copy of the child's birth registration;
- b. an original or certified copy of any orders or agreements with respect to the child's current legal status;
- c. information relevant to the child's cultural, racial, religious and linguistic heritage;
- d. the child's life book, if available, or a copy of it;
- e. in the case of an Aboriginal child, details with respect to the child's status under the Indian Act (Canada) and community of origin;

- f. confirmation that the originating province has involved the appropriate Indian Band or Aboriginal organization as required under the originating province's legislation and policy;
- g. a social history including a summary of all services provided and assessments conducted with respect to the child;
- h. any medical, psychological or educational assessments completed within the past two years;
- i. up-to-date medical reports if the child is receiving or has received treatment;
- j. a current adoption placement plan developed in consultation with the receiving province;
- k. a statement clarifying the type of decisions and consents, including those related to medical treatment, that may be authorized by the receiving province; and
- l. additional documentation required by the receiving province if available.

C3.5 Progress Reports

With respect to a child in care who has been placed for adoption pursuant to subsection C3.2, or who has moved with an adoptive parent pursuant to subsection C3.3, the receiving province shall complete and forward to the originating province:

- a. all reports on the progress of the adoption placement, including a copy of all assessments and follow-up reports, completed according to standards and time frames required by the originating province or as otherwise negotiated between the receiving and originating provinces;
- b. a copy of the receiving province's final progress report with a recommendation regarding completion of the adoption; and
- c. if the application to court for an order of adoption will be made in the receiving province, a request that the originating province forward to the receiving province the required written consents to the adoption.

C3.6 Placement Disruptions

When an adoption placement of a child in care is disrupted prior to the granting of an order of adoption, the originating and receiving provinces agree, subject to applicable child welfare legislation in the receiving province, to renegotiate a plan of care that is in the best interests of the child and to make placement decisions according to subsection B5.2 in Schedule B.

C3.7 Application for Order of Adoption

C3.7.1 Depending on where the application to court for an order of adoption is to be made, the receiving province or the originating province shall:

- a. forward the required written consents to the adoption to the province where the application to court is to be made; and
- b. provide a copy of the report to court with respect to the application for an order of adoption.

C3.7.2 As a general rule, the province that assumes responsibility for completion of the adoption shall proceed to court for an order of adoption within one (1) year from the date the child was placed for adoption or such period of time as negotiated between the originating and receiving provinces.

C3.7.3 The province where the order of adoption is granted shall notify the other province in writing within 30 days from the date the adoption order is received.

C3.8 Adoption of Child in Care in Originating Province

At the request of a province that requires consent to adoption from a person who resides in another province to complete the adoption of a child in care, the province that receives the request shall assist in obtaining the required consents to adoption from the person.

C4. Subsidized Adoptions

C4.1 Originating Province

In section C4, the originating province is the province, including the appropriate local authority, that places the child in care for adoption and pays for an adoption subsidy. The receiving province is the province, including the appropriate local authority, that agrees to assist an originating province in providing subsidized adoption services.

C4.2 Child in Care Placed for Adoption in Receiving Province

C4.2.1 In planning to place a child in care with an adoptive applicant who resides in a receiving province pursuant to subsection C3.2, the originating province shall:

- a. advise the receiving province if the child has special needs or whether there are special circumstances that fall within the originating province's eligibility criteria for subsidized adoption;
- b. request that the receiving province explain the child's needs or circumstances to the adoptive applicant and ascertain whether the adoptive applicant intends to apply for an adoption subsidy; and
- c. at the request of the adoptive applicant, determine eligibility for an adoption subsidy and the type and amount of subsidy that will be available.

C4.2.2 In responding to the originating province's request for assistance pursuant to paragraph C4.2.1, the receiving province shall:

- a. determine whether the adoptive applicant is prepared to proceed with the adoption of the child in care of the originating province and whether the adoptive applicant will be requesting an adoption subsidy;
- b. if applicable, advise the originating province as to the availability of needed services in the receiving province and provide an estimate of the costs associated with the needed services; and
- c. assist as required in assessing the adoptive applicant's need and eligibility for an adoption subsidy and in negotiating a subsidy agreement on behalf of the originating province.

C4.3 Child in Care or Adopted Child Moving with Adoptive Parent

C4.3.1 When it is known that a child and his or her adoptive parent are moving to a receiving province pursuant to subsection C3.3, with the written consent of the adoptive parent, the originating province shall provide at least 30 days prior notice in writing to the receiving province if:

- a. the adoptive parent is receiving or is eligible to receive, an adoption subsidy; or
- b. the originating province requires the assistance of the receiving province to:
 - i. secure needed services,
 - ii. assist in assessing an ongoing need and eligibility for subsidy, and
 - iii. assist as required in negotiating or renewing a subsidy agreement on behalf of the originating province.

C4.3.2 With the written authorization of the adoptive parent, the originating province agrees to forward to the receiving province within 30 days of the move the following information:

- a. information about available subsidies from the originating province and the adoptive parent's eligibility;
- b. copies of all documents associated with the approval of the adoption subsidy; and
- c. the most current review of the need for an ongoing subsidy.

C4.4 Services and Subsidies

C4.4.1 At the request of the originating province, the receiving province agrees to maintain contact with the adoptive parent regarding the need for an adoption subsidy and to forward reports to the originating province as may be required by the originating province.

C4.4.2 The originating province agrees to continue to pay the adoption subsidy to the adoptive parent following the adoptive parent's move to the receiving province and to negotiate any changes to the subsidy in consultation with the receiving province.

C5. Post-adoption Services

C5.1 Originating Province

In section C5, the originating province is the province, including the appropriate local authority, where an order of adoption was granted. The receiving province is the province, including the appropriate local authority, that agrees to provide post-adoption services at the request of an originating province.

C5.2 Registration

C5.2.1 When there is no alternative but to request the assistance of a receiving province to facilitate registering a person for a post-adoption search or reunion, an originating province may request a receiving province to:

- a. assist in obtaining a signed registration for a post-adoption search or reunion; or
- b. provide information that will assist in the registration process.

C5.2.2 In responding to the request under paragraph C5.2.1, the receiving province shall provide the requested service or information within 60 days of receiving the request or such period of time as negotiated between the receiving and originating provinces.

C5.3 Searches

C5.3.1 When all available alternatives to locate a person have been exhausted and there is information to indicate that the person may have moved to a receiving province, an originating province may request a receiving province to check existing search mechanisms to assist in locating a person who is the subject of a search.

C5.3.2 Upon receiving a request under paragraph C5.3.1 together with a written consent to conduct a search if required, the receiving province shall advise the originating province of the results of the search within 90 days or such further period of time as negotiated between the originating and receiving province.

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