

Practice Standards and Guidelines for Adoption



**Ministry for Children and Families
Adoption Branch**

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Acknowledgement

While it is not possible to name all of the individuals who have contributed to the development of these standards and guidelines, the participation of the following is acknowledged:

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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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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:

- Adoption Policy and Procedures 10.2 Openness Agreements
- Adoption Policy and Procedures 10.1 Adoption Planning, 10.3 Proposing a Match, 10.4 Transition, Placement and Residency.

- Adoption Policy 10.5 The child's consent to adoption
- Practice Standard 40: Taking Consent to Adoption
- Practice Standard 42: Revocation of Consents
- Adoption Policy and Procedures 10.6 Completing the adoption
- 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 51 of the *Infants Act*. Therefore, the worker providing adoption services also derives legislative authority from the *CFCSA* and the requirements for guardianship practice from the Child and Youth in Care Policies 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 51 of the *Infants 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, Youth and Families Moving Between Provinces and Territories* (April 1, 2016).

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 51 of the *Infants 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:

- *Adoption Act, Adoption Regulation and Adoption Agency Regulations*
- *Adoption Education Program: A Curriculum for Prospective Adoptive Parents*
- *Child, Family and Community Service Act and Regulations*
- *Infants Act*
- *Family Law Act*
- *Child and Youth in Care Policies*
- *Provincial/Territorial Protocol on Children and Youth Moving Between Provinces/Territories (April 1, 2016)*
- *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 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 policies in Adoption Policy and Procedures 10.1, 10.3, 10.4 as a number of those policies 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 Law 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 Family Support Services and Agreements Policy 2.3

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 Adoption Policy and Procedures 10.1)
- aspects of the *Adoption Act* of 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 Adoption Policy and Procedures 10.2)
 - 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 Law 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 Adoption Policy and Procedures 10.2)
- 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 and Permanency 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
- information substantiating that the pre-placement requirements of the *Adoption Act* have been met is collected and documented on 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 Adoption Policy and Procedures 10.2, 10.3, 10.4, 10.5, 10.6)
- 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 Adoption Policy and Procedures Guiding Principles.

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. Similarly,

Adoption Act
s. 62(2)

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 Adoption Policy and Procedures Guiding Principles and 10.1, 10.2
- 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 Adoption Policy and Procedures Guiding Principles and 10.1, 10.2)
- 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

Considering custom adoption

Adoption Act
s. 46

The *Adoption Act* permits a court to recognize that a custom adoption has the effect of an adoption under the *Act*.

Each Aboriginal community practicing custom adoption 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 is 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 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*.

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 Adoption Policy and Procedures Guiding Principles and 10.1, 10.2, 10.3, 10.4, 10.5)
- 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 Adoption Policy and Procedures Guiding Principles and 10.1, 10.2, 10.3, 10.4, 10.5)
- 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 Adoption Policy and Procedures Guiding Principles and 10.1, 10.2, 10.3, 10.4, 10.5.

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

- refer to Adoption Policy and Procedures Guiding Principles and 10.1, 10.2, 10.3, 10.4, 10.5 and
- refer to Children and Youth in Care Policies 5.1

If questions remain, contact your regional Aboriginal Services Manager, Aboriginal Services Branch or Adoption and Permanency 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 Parents' 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 Parents' 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 and Permanency 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 Parents' 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 Parents' 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 Adoption Policy and Procedures Guiding Principles.

Adoption Act
s. 10

Adoption Reg.
s. 15

When a man believes he is the birth father of a child who may be placed for adoption, he can register with the Parents' 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 Parents' Registry are defined in the *Adoption Regulation* (refer to Practice Standard 33).

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 and Permanency 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 Adoption Policy and Procedures 10.2 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 Law 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 Parents' Registry to receive notice of a proposed adoption.
- The *Act* requires that a search be made of the Parents' 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 Parents' 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 Parents' Registry Application (CF2653) (available on the Internet;) and submitting proof of identity with his application
- It is his responsibility to ensure the Parents' 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 Parents' Registry before making a search request of the Registry, and include the following:

- the *Act* requires that a search be made of the Parents' 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 Parents' 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 and Permanency 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 and Permanency 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 Adoption Policy and Procedures Guiding Principles which requires notice be sent by registered mail and confirmation requested from Canada Post
- 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 and Permanency Branch to obtain assistance from Legal Services Branch in drawing up an affidavit to provide to the court about the sexual assault
- contact Adoption and Permanency 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:
 - 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:
 - 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 Parents' 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 Parents' Registry:

- at the time the child is registered with Adoption and Permanency 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 Parents' 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 Parents' 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 Parents' Registry, an adoption service that is centrally administered and operated by Adoption and Permanency Branch. When a person believes he is the birth father of a child who may be placed for adoption, he may register with the Parents' 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 Parents' 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 Parents' 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 and Permanency Branch will notify you so that you can provide the required notice.

Members of ministry staff are not authorized to search the Parents' 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 Parents' 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 Parents' 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 Parents' 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 Parents' Registry:

1. Complete a Parents' Registry Search Request (CF2688) and mail or fax it to the Parents' Registry; or
2. Send a search request, which contains the required information, by electronic mail to the Parents' Registry
3. The Parents' 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 Parents' 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 Parents' 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 Parents' 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 Care Plan 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 Adoption Policy and Procedures 10.1.

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 is 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, now known as a Care Plan 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 Adoption Policy and Procedures Guiding Principles and 10.1, 10.2, 10.3, 10.4.
 - 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 Adoption Policy and Procedures 10.2).

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 and Permanency 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 Adoption Policy and Procedures 10.1, 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 a Care Plan.

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 Parents’ Registry
- register the child with Adoption and Permanency 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 Law Act*
- unless the child is a newborn infant, prepare the child for adoption placement as described in Adoption Policy and Procedures 10.1, 10.2, 10.3, 10.4, 10.5
- 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 Parents’ Registry, gathering information and registering the child with Adoption and Permanency 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.

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.

Adoption Reg.
s. 11(1)

Adoption Act
s. 39

Guidelines

Developing an understanding of the child's family history and the child's current needs, includes:

- determining as required in Adoption Policy and Procedures 10.1
 - 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 Adoption Policy and Procedures 10.1 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 Adoption Policy and Procedures 10.2)
- obtaining the birth family medical and social history (refer to Adoption Policy and Procedures 10.1)
- obtaining the child's medical, social and placement history (refer to Adoption Policy and Procedures 10.1 .

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 information about all of the openness options
- when discussing openness with birth relatives, provide information about all levels of openness, and
- provide information about openness as required in Adoption Policy and Procedures 10.2 .

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 Parents' Registry (refer to Practice Standard 33)
- notify anyone who has access to the child under a court order, or by an agreement enforceable as a court order under the *Family Law Act* (refer to Adoption Policy and Procedures 10.4), and
- request written family assessments from Adoption and Permanency 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 Adoption Policy and Procedures 10.1)
 - 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 Adoption Policy and Procedures 10.3)
- 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 Adoption Policy and Procedures 10.4 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 Adoption Policy and Procedures 10.1, 10.3, 10.4)
 - 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 Adoption Policy and Procedures 10.1, 10.2, 10.3 (unless the child has no special service needs, in which case the Care Plan 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 Adoption Policy and Procedures 10.1, 10.2, 10.3 (unless the child has no special service needs, in which case the Care Plan 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 Care Plan and letter acknowledging information they have received, unless the child has no special service needs, in which case the Care Plan is not required
- before beginning pre-placement visits, obtain your supervisor's/team leader's approval of the completed Care Plan (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 Regulation* 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 Regulation* (refer to Adoption Policy and Procedures 10.1), an assessment of these needs is a key part of making an adoption plan for the child. Adoption Policy and Procedures 10.3 requires a review of the child's Care Plan 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 Care Plan, 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 Care Plan is not required.

Guidelines

When proposing the child to the adoption worker for the prospective adoptive parent(s)

- refer to Adoption Policy and Procedures Guiding Principles regarding confidentiality during the proposal.

When completing the non-identifying Care Plan for the child with special service needs

Using the Care Plan, follow the instructions provided in Adoption Policy and Procedures 10.1, 10.3 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 Law 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 Adoption Policy and Procedures 10.1, 10.2, 10.3
- the birth parent(s)' requests for openness
- possible reasons the placement may be delayed
- plans for pre-placement visits (refer to Adoption Policy and Procedures 10.4).

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 Adoption Policy and Procedures 10.1, 10.2, 10.3 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, Adoption Policy and Procedures 10.4 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 and Permanency 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 Canada Child 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 (Adoption Policy and Procedures 10.4)
- 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 ICM 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 ICM 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 Care Plan is required
- 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 and Permanency 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 Canada Child 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 Adoption Policy and Procedures 10.4.

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 Adoption Policy and Procedures 10.4)
- 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 Adoption Policy and Procedures 10.4 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 Adoption Policy and Procedures 10.2)
- 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 Adoption Policy and Procedures 10.4
- 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 Adoption Policy and Procedures Guiding Principles)
- 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 Adoption Policy and Procedures 10.4).

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 care under a continuing custody order under the *CFCSA*, or
- who is under the guardianship of a director pursuant to section 51 of the *Infants Act*

you must give the child the opportunity to consent, if he or she is 12 years of age or over and has the capacity to consent. The child over 12 may choose not to give consent until after they are placed for adoption. (If it is determined that the child does not have the capacity to consent, refer to Adoption Policy and Procedures 10.5.)

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. Refer to Adoption Policy and Procedures 10.4 and 10.5.

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 Adoption Policy and Procedures Guiding Principles and 10.4 and 10.5.

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 Parents' 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*, contact Adoption and Permanency Branch.

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 51 of the *Infants Act*
 - in the case of a child under the guardianship of a director pursuant to section 51 of the *Infants Act*, you must make reasonable efforts to notify any living birth parent of the child. Refer to Adoption Policy and Procedures Guiding Principles 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 *Infants Act*, or, 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 and Permanency 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 and Permanency Branch at the time of the adoption completion
 - refer to Adoption Policy Procedures 10.6 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 and Permanency 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:
 - 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 Adoption Policy and Procedures 10.6
- 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 and Permanency Branch for a consultation with Legal Services Branch.

Commentary

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 Reg.
s. 9

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. 37

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 Act
s. 24

The forms used when taking consents are prescribed in the *Adoption Regulation*.

Adoption Reg.
s. 9

Guidelines:**Providing access to legal counsel before taking consents**

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.

CFCSA
s. 70

- 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 and Permanency 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 and Permanency Branch for a consultation with Legal Services BranchA 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 and Permanency 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 Adoption Policy and Procedures 10.4).

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 and Permanency 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 Adoption Policy and Procedures Guiding Principles 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 and Permanency Branch to advise them of the matter; Adoption and Permanency 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 Adoption Policy and Procedures Guiding Principles 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 and Permanency 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

Adoption Act
s. 18(2)

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 Adoption Policy and Procedures Guiding Principles.

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 Adoption Policy and Procedures 10.1) 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 Adoption Policy and Procedures Guiding Principles 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 and Permanency 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 Law 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 Adoption Policy and Procedures Guiding Principles 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 and Permanency 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 Representative for Children and Youth
 - 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 Adoption Policy and Procedures Guiding Principles 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 8: Post-placement

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.

Adoption Reg.
s. 11(2)
Adoption Act
s. 39

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 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 Adoption Policy and Procedures Guiding Principles 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 Adoption Policy and Procedures 10.4.
- 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 iConnect for sample of a [Summary Recording](#).
- When providing written notice of the application for an adoption order to any person with access to the child, refer to Adoption Policy and Procedures 10.4.
- 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 Adoption Policy and Procedures 10.2).

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 Adoption Policy and Procedures 10.2 for requirements and guidelines for registering openness agreements with the Openness Exchange Registry.

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, Youth and Families Moving Between Provinces and Territories* (the interprovincial protocol). Section 10 (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 iConnect.

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 Section 10 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 Adoption Policy and Procedures 10.7. 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 Adoption Policy and Procedures 10.1; 10.2; 10.3; 10.4; 10.5; 10.6; 10.7.

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 Adoption Policy and Procedures 10.1)
- 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 Adoption Policy and Procedures 10.1; 10.3)
- when it is determined to be in the child's best interests (refer to Adoption Policy and Procedures Guiding Principles)
- 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 and Permanency Branch for assistance.

When initiating a plan to place a B.C. child in another province:

- register the child for adoption with Adoption and Permanency Branch (refer to Adoption Policy and Procedures 10.1)
- 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 and Permanency 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.

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 Adoption Policy and Procedures 10.1; 10.2; 10.3; 10.4; 10.5
- if the child has been designated for post-adoption assistance (refer to Adoption Policy and Procedures 10.3), 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 and the type and amount of assistance available (refer to Adoption Policy and Procedures 10.3 and Post Adoption Assistance Provincial Guidelines-Updated
 - 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 Care Plan
- complete all applicable requirements of Adoption Policy and Procedures 10.3, 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 Care Plan 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 Adoption Policy and Procedures 10.3)

- obtain your supervisor's/team leader's approval of the child's Care Plan
- 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 Adoption Policy and Procedures 10.4 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 Adoption Policy and Procedures 10.3 and Post Adoption Assistance Provincial Guidelines-Updated 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 and Permanency 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 Practice Guidelines: Travel by Child in Care, on Adoption Residency and in Supervised Out of Care Custody

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 Adoption Policy and Procedures 10.4 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. Adoption Policy and Procedures 10.6 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 Adoption Policy and Procedures 10.4 and Post Adoption Assistance Provincial Guidelines - Updated)
- when meeting the requirements of Adoption Policy and Procedures 10.3 (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 Adoption Placement Agreement)
- 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 Adoption Policy and Procedures 10.2 and 10.4 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 Adoption Policy and Procedures 10.1 and Child and Youth Proposal Package Guidelines – Revised) including a summary of all services and assessments

- the child's birth family's medical and social history (refer to Adoption Policy and Procedures 10.1)
- 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 and Permanency 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 and Permanency 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 and Permanency 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*, a 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 and Permanency 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 Adoption Policy and Procedures 10.2)
- forward a copy of the adoption order to Adoption and Permanency 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 Adoption Policy and Procedures 10.1; 10.2; 10.3 10.4 10.5.

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 and Permanency 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 *Family Law 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 Parent'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 Adoption Policy and Procedures 10.7, 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 Adoption Policy and Procedures 10.2; 10.3; 10.4
- 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 Adoption Policy and Procedures 10.4;
- register the child with Adoption and Permanency 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 Adoption Policy and Procedures 10.4; 10.5.

If there is a disruption of the placement, in addition to meeting the applicable requirements of Adoption Policy and Procedures 10.4; 10.5, 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 Adoption Policy and Procedures 10.2; 10.4; 10.5; 10.6:

- 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 and Permanency Branch:

- Registration of Child for Adoption on ICM and AMS
- if you have not already done so, the prospective adoptive parent(s)' Application to Adopt (CF1013) 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 Adoption Policy and Procedures 10.4; 10.5
- 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 the 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 Adoption Policy and Procedures 10.6
 - 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 Adoption Policy and Procedures 10.6, 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 Adoption Policy and Procedures 10.6, and
 - the Post-placement Report as required in Adoption Policy and Procedures 10.6.

After receiving the adoption order you must:

- provide the required notifications and distribute the adoption order as required in Adoption Policy and Procedures 10.6, 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. Adoption Policy and Procedures 10.6 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 Adoption Policy and Procedures 10.6.

After receiving the adoption order, when providing the required notifications and distributing the adoption order:

- meet the requirements of Adoption Policy and Procedures 10.6, 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 Regulation* 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 Adoption Policy and Procedures Introduction).

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 Adoption Policy and Procedures 10.7)
- 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*.

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 *Adoption Fees Regulation Schedule*)
- 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 *Adoption Fees Regulation Schedule*).
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 and Permanency 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 Adoption Policy and Procedures 10.7)
 - when the local index indicates that a record exists, refer to Adoption Policy and Procedures 10.7 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.
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 Adoption Policy and Procedures 10.7, and refer to Adoption Policy and Procedures 10.7 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.

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.

Adoption Act
s. 8(2)(b)(c)

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 Adoption Policy and Procedures Introduction)

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 31) 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 Parents' 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*

When ensuring that the child has been counselled about the effects of adoption:

- refer to Adoption Policy and Procedures Introduction 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 Regulation* to complete the report on a younger child's views (refer to Adoption Policy and Procedures 10.6)
- 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 Adoption Policy and Procedures 10.1, 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 Adoption Policy and Procedures 10.1 and the Child & Youth Adoption Proposed Package Guidelines - Revised; 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 Adoption Policy and Procedures 10.1, 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 in writing.
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 and Permanency 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 in writing
- 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 (*Adoption Fees Regulation Schedule*).
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 and Permanency 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 and Permanency 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 in writing
- 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* 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 Adoption Policy and Procedures 10.1; 10.2; 10.3; 10.4; 10.5; 10.6)
- 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 cannot 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 Parents' 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 Parents' 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 and Permanency Branch for a consultation with Legal Services Branch.

When preparing the Report on a Younger Child's Views:

- refer to Adoption Policy and Procedures 10.6
- 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 (*Adoption Fees Regulation Schedule*).

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 (*Adoption Fees Regulation Schedule*)
- meet all of the requirements of Adoption Policy and Procedures 10.6
- follow the guidelines provided in Adoption Policy and Procedures 10.6; 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 Adoption Policy and Procedures 10.6
 - 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 and Permanency Branch if you require assistance
- meet all of the requirements of Adoption Policy 10.6:
 - 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 Adoption Policy 10.6:

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*. I 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 and Permanency 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 and Permanency Branch.
3. Forward the Summary Recording and the Post-placement Report to Adoption and Permanency 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 and Permanency 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 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
- the ministry is required to provide a Letter of No Objection to Citizenship and Immigration Canada before a child enters Canada

Adoption Act
s. 83

- 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 Regulation* is required (refer to Adoption Policy and Procedures 10.7)
- 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 *Adoption Act* s.83)
- Fact Sheets with further information about international adoption are available on the Ministry for Children and Family Development Adoption web site found [here](#).

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 [Adoptive Families Association of BC](#))
- licensed British Columbia adoption agencies
- the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (Hague Convention) web site, and
- Fact Sheets available on the Ministry for Children and Family Development [Adoption web site](#).

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 and Permanency 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 Adoption Policy and Procedures 10.7, and
- where appropriate share the [Adopt BC Kids website](#)

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 and Permanency 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 *Adoption Regulations* s.2)
- 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)

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 and Permanency 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 Parents' 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 *Adoption Act* s,83).

- 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 and Permanency 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),
- 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 [MCFD Adoption web site](#)):
 - Adoption Reunion Registry information is found [here](#).
 - No-contact declaration and statement information is found [here](#)
 - Information on the Post-adoption Openness Registry and Application (CF2658), available on [the MCFD Adoption web site](#)
 - 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 and Permanency 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 and Permanency 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 and Permanency 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 Parents’ Registry Search Request (CF2688) and recommend that their lawyer search the Parents’ 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 Parents' 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 Adoption Policy and Procedures 10.7 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
 - 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 Adoption Policy and Procedures 10.7)
 - 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 Parents' 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 Parents' 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
- 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 [MCFD Adoption Web site](#) 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 Intercountry Fact Sheets.

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 and Permanency 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 and Permanency 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 Adoption Policy and Procedures 10.5)
- 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 Complaints Policy and Complaints Process Brochure)
- when the child resides outside of Canada:
 - inform Adoption and Permanency Branch that the placement plan has not been approved
 - Adoption and Permanency 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 and Permanency 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 and Permanency 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 and Permanency 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.

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.

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 and Permanency 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 and Permanency Branch for sample letters).

When visiting the prospective adoptive parent(s):

- see the child
- consult with the child (refer to Adoption Policy and Procedures 10.4)
- 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 Parents' 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 Parents' 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 *Adoption Fees Regulation Schedule*)
- 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 and Permanency 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 Adoption Policy and Procedures 10.5)
- 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 Adoption Policy and Procedures 10.6
- 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 *Adoption Fees Regulation Schedule*).

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 *Adoption Fees Regulation Schedule*)
- meet all of the requirements of Adoption Policy and Procedures 10.6 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 Adoption Policy and Procedures 10.6
 - 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 Post Placement Reports on iConnect for direction and a sample report
- spell out all numbers, as the report is a court document
- contact Adoption and Permanency Branch if you require additional assistance
- meet all of the requirements of Adoption Policy and Procedures 10.6:
 - 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 Adoption Policy and Procedures 10.6:

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*. I 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 and Permanency 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 and Permanency Branch
- forward the Summary Recording and the Post-placement Report to Adoption and Permanency 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.

