

# Child, Youth and Family Services



## **Highlights of the *Adoption Act* Review Consultations**

**November 2013**



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## **Introduction**

On April 15, 2013, the Department of Child, Youth and Family Services commenced a process to seek input from interested individuals on proposed adoption legislation and policy amendments. A news release was issued at this time advising the general public that a discussion guide was posted on the department's website and available at local offices throughout the province. This guide provided an overview of the adoption process; the types of adoptions available in this province; and a series of questions intended to inform written submissions. Departmental officials were available upon request to those interested in a meeting to discuss adoptions in the province. Feedback was received via written submissions and emails on the legislative review, as well as in-person meetings were held with interested stakeholders. Media coverage focused on the adoption process in Newfoundland and Labrador, as well as the purpose of the *Adoption Act* review.

## **Consultations Highlights**

During the consultation process, the theme of the best interest of the child was highly evident. Information received highlighted the importance of: permanency for children; considering the connections and existing relationships in children's lives; considering the child's views and wishes when planning for adoption; and, ensuring the child's well-being in the adoption process. Feedback received on specific issues is summarized as follows:

### **Broadening the Definition of Relative**

All submissions supported broadening the definition of relative. Suggestions were made related to extending the definition to include step-relationships and significant other relationships. The benefits of broadening the definition of relative included recognizing the different types of relationships in children's lives and reducing wait times for some adoptions. The most common caution noted was to ensure checks are in place to safeguard children involved in an adoption process.

### **Best Interest of the Child Principles**

Feedback related to aligning with the best interest of the child principles, which included the physical, mental, spiritual, emotional well-being of the child; the social community of the child; the child's medical and educational needs; the least intrusive measures for assuring permanency for the child; the child's views and wishes; the continuation of sibling relationships; and the importance of maintaining previous relationships.

### **Custom Adoption**

Consultations indicated that Newfoundland and Labrador should continue to explore the ability to recognize the practice of custom adoption, also known as traditional adoption, in legislation. Respondents recommended consulting with Aboriginal governments and organizations including Nunatsiavut Government, Innu Nation, Mushuau Innu First Nation, Sheshatshiu Innu First Nation, Qalipu Mi'kmaq First Nation, Miawpukek First Nation, and the NunatuKavut Community Council, as well as other jurisdictions that currently have custom adoption in legislation, in order to inform the future work of the department in this area. The need to safeguard the best interest of the child was highlighted, as well as ensuring that whoever is assuming responsibility for the child in a custom adoption takes full legal and permanent responsibility to ensure the child receives continuous care.

### **Residency Requirements**


All submissions supported a residency requirement to adopt in this province. However, one respondent expressed concerns about removing the six month residency requirement. This submission indicated that the six month period allows a person interested in adopting a child from this province to acclimate to their new home and establish themselves within the community, as well as determine whether the province would be their permanent home. In response to this feedback it should be noted that it takes many months to complete an adoption process in this province and prior to the granting of an adoption order, a child must have lived with the prospective adoptive parent(s) for at least a six month period.

### **Adult Adoptions**

The inclusion of adult adoption in legislation was supported by all respondents. Ensuring the protection of adults who may not be able to provide consent due to developmental considerations was noted.

### **Adoptive Parent Recruitments**

All respondents supported the use of child specific recruiters for children with a high level of complex needs (i.e. either through age, developmental issues, or being a part of a large sibling group) that would make placement more difficult. Feedback noted the need for expertise in the area of recruitment, individualized planning for children, as well as the need for ongoing professional and financial support following an adoption.



Consultations also sought input on the use of a secure matching website that would assist in matching children available for adoption to approved adoptive applicants. Feedback indicated that where technology is used appropriately it may assist the matching of children with approved adoptive families. To proceed with a secure matching website, respondents recommended evidence-based practice and research, with attention to the child's right to privacy. A secure matching site was suggested as an opportunity to make an emotional connection to a child; to diminish preconceived notions on children in care; to see a child's strengths as well as their needs; and, to make an informed decision without any pressure.

## **Conclusion**

The Department of Child, Youth and Family Services would like to take this opportunity to thank everyone who provided input to assist in the review of the *Adoption Act*. All information received during the consultation process has been considered in the review of the adoption legislation and will be used to inform future policy decisions regarding the adoption process.