

Intercountry Adoption Program



This guide is intended to help applicants complete the Intercountry Adoption Application for Child Placement and Workbook, which is available through the Ministry from the Intercountry Adoption Worker.

Applicants cannot undertake an intercountry adoption plan unless they are approved to proceed by the Ministry.

Overview

The United Nations Convention on the Rights of the Child states it is a fundamental right of children to remain with biological family and be raised by them. When this is not possible, intercountry adoption may be one of many permanency planning options available. The focus with any adoption is on the best interests of the child.

Adoption is the permanent, legal transfer of all parental rights and responsibilities for a child from the State or birth parents to the adoptive parents. It is a life-changing event affecting adoptees, birth parents and adoptive parents.

The decision to adopt requires thoughtful consideration, and respect for the rights and interests of the child and birth family. Legal processes and procedures are in place to ensure these rights and interests are protected.

Saskatchewan's Intercountry Adoption Laws

Intercountry adoption activity in the province is governed by *The Saskatchewan Intercountry (Hague Convention) Implementation Act*, *The Adoption Act*, 1998 and the Adoption Regulations (2003).

In May 1993, over 60 countries, including Canada, reached agreement on the *Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption* (commonly called *The Hague Convention*). The Convention safeguards the best interests and fundamental rights of children in adoption by setting international standards and procedures between a child's country of origin and the adoptive parent's country of residence. It is intended to prevent abuses such as abduction, trafficking of children, and improper or other financial gain.

The Convention requires each contracting State to designate a Central Authority to carry out the duties and standards imposed by the Convention, which in

Saskatchewan is the Minister of Social Services. These standards have been enacted as law in our province and apply to all intercountry adoptions.

Requirements for an Intercountry Adoption

Applicants to Saskatchewan's Intercountry Adoption Program must be at least 18 years of age, be residents of the province, and have either Canadian Citizenship or Permanent Resident Status. Countries outside Canada may have additional requirements including, but not limited to:

- **Age** – some countries may limit the minimum or maximum age for applicants, or they may limit the minimum or maximum age difference between the applicants and a child;
- **Relationship Status** – some countries may allow only heterosexual married couples to apply;
- **Sex** –in the case of a single applicant, some countries may accept only applications from females; and
- **Religion** – some countries may allow only people of a certain religion or faith to apply.

Applicant suitability and eligibility is assessed through a home study, which reviews interests, motivation, family background, relationships, health, education, personality, financial ability and cultural competency. As part of the home study, applicants must also complete Criminal Record, Child Welfare Background, reference and medical checks. In Saskatchewan, home studies for the Intercountry Adoption Program are completed by Independent Practitioners, who are certified by the Ministry.

Applicants must ensure they are aware of any other requirements foreign authorities may have, including other types of assessments (e.g. psychological), or translation, notarization, legalization and authentication of documents.

Where applicants have an addition to their home through birth, alternate adoption plan or other type of care arrangement, their file is placed on hold by the Ministry for a period of 12 months from the time of placement. The wait time is meant to promote adjustment and attachment in the best interests of the child. Applicants must make the Ministry and the foreign authority aware of any such changes that occur regardless what stage they are at in their adoption plan. An update to the home study to assess the new circumstances is required.

Protecting the Rights of Children in Intercountry Adoption

In an intercountry adoption, the focus remains on the rights of the child. An adoption can only take place where it has been established:

- options for the child to remain in his or her country of origin cannot be identified or do not exist, and intercountry adoption is considered to be in the child's best interests;
- the child's country has deemed the child is legally eligible to be adopted;
- where applicable, there has been full and informed counseling for the birth parents and their consents to adoption have been legally obtained;
- the applicants have been found eligible and suitable to adopt;
- adoption authorities in both countries agree to the adoption; and
- it is likely Citizenship and Immigration Canada (CIC) will find the child eligible to enter and permanently reside in Canada.

To minimize risks of child trafficking or improper financial gains, adoptive applicants cannot:

- have any knowledge of a child available for adoption prior to being assessed for adoption and receiving a child proposal;
- apply to adopt a specific child except if they are applying to adopt a relative; and
- undertake a private adoption, or arrange an adoption in private with an agency or individual who is not legally approved to provide adoption services.

Role of the Ministry of Social Services

The Ministry has oversight for child welfare and adoption activity in the province. As Central Authority, the Ministry is responsible for:

- approving all applicants and notifying when they are able undertake the home study process;
- approving the home study report and documents before they are sent to the agency or foreign authority;
- ensuring adoptions are in accordance with adoption laws in Saskatchewan, as well as adoption laws in the child's country of origin;
- providing other services for adoptive parents as they move through the adoption process; and
- training and certifying the Independent Practitioners.

The Ministry cannot:

- locate children available for adoption in other jurisdictions;
- become directly involved in the adoption process of another country or order that an adoption take place; or
- order that a child be allowed entry to Canada.

Role of Citizenship and Immigration

In addition to the adoption process, applicants must complete the immigration process by making application to Citizenship and Immigration Canada (CIC). This process determines whether or not a child will be authorized to enter and permanently reside in Canada.

Once a sponsorship application has been approved by CIC, they will request either a Notification of Agreement (Hague Convention cases) or Letter of No Objection (non-Hague Convention cases) from the Ministry. The Ministry sends this notice directly to the visa office abroad. The visa office will notify the Ministry when the child has met the immigration requirements and is ready to be issued a visa.

The Ministry cannot take a position on cases where it has had no knowledge or involvement, or where requirements for an intercountry adoption have not been met.

Needs of Children in Intercountry Adoption

The Hague Convention requires a child's country of origin to prepare a report regarding the child's needs, health, development and background. Although such information may not be completely known or difficult to obtain, applicants should:

- review the circumstances and events of a child's life and, where applicable, consult with specialists able to comment on the needs of the child; and
- understand a child's health and development can change over time.
- Applicants should also consider that children available for adoption may have experienced traumatic events in their lives, such as:
- separation from family and other meaningful individuals;
- institutionalization;

- exposure to societal unrest; and
- exposure to diseases and health problems not typically seen in Canada.

Most children adopted from other countries overcome past difficulties and make developmental progress with commitment from an adoptive family. Applicants should always consider the potential future needs of a child, and be prepared to provide life-long support.

Range of Acceptance

An applicant's 'range of acceptance' is included in the home study report and refers to what they will accept with respect to age/age range, sex, number of children (i.e. sibling groups) and special needs. Certain countries may ask applicants to specify other factors they are willing to consider. Amendments to a range of acceptance must be approved by the Ministry.

Foreign authorities use information from the range of acceptance to make potential matches between applicants and children. Matches should be made on how well applicants are able to meet the needs of the child being proposed.

The Ministry does not allow more than one child to be adopted at a time through the Intercountry Adoption Program except in the case of a sibling adoption. The Ministry defines siblings or sibling groups as only brothers and sisters with at least one biological parent in common. No other type of relationship is considered.

Some countries have waiting children programs that profile children who may be more difficult to place because they are older, or because they have some type of known medical or health concern. Applicants who choose this type of program must be aware of what long-term health care requirements a child could have, and how well they would be able to meet them.

Adoption Agencies

Saskatchewan does not have approved intercountry adoption agencies, nor are applicants required by the Ministry to use one. Most foreign authorities, however, require the use of an agency approved by that country. Where this is a requirement, applicants are permitted to use approved agencies outside the province.

The Ministry must verify the use of an agency prior to applicants proceeding, and will seek a copy of the agency's certification or authority. The Ministry can neither recommend nor endorse any particular agency.

Post-Placement Reports

Post-placement reports provide information to a child's country on the child's and family's progress after the child arrives in Canada. Most countries require a minimum of two post-placement reports due at certain intervals after the child's arrival, though timing and number vary by country.

In Saskatchewan, the Independent Practitioners complete post-placement reports with the family. Adoptive parents are required to know how many reports are due and at what intervals, and need to contact their IP in advance to set a time to complete them.

Fees

Fees for intercountry adoption, which are the responsibility of the applicants, can be substantial, and vary by country or program. Fees may include, but are not limited to:

- home study and post-placement reports;
- travel and accommodation;
- use of agency;
- translation, authentication and legalization of documents;
- medical and psychological reports;

- immigration fees; and
- child foster or medical care.

Applicants must know and understand how fees will be used and for what purposes, and what will happen with their fees should plans or circumstances change.

Individuals providing services related to adoption are not permitted to derive improper financial or other gain. Only costs and expenses, including reasonable professional, may be charged or paid.

The Intercountry Adoption Process

Adoption and immigration processes can occur simultaneously. As these two proceed, other tasks requiring planning become evident, such as researching attachment and child development.

Processes and requirements may vary by country, but the following steps are necessary for most intercountry adoptions:

1. Applicants research information about intercountry adoption, including agencies. Applicants should talk to other individuals who have gone through the intercountry process in order to gain personal insight and understanding.
2. Applicants determine if intercountry adoption is the appropriate choice for them by identifying how they are able to meet the needs of a child coming from another country, and what impacts it will have on their existing family.
3. Applicants review their case plan with the Intercountry Adoption Worker, and complete the Application for Approval for Intercountry Adoption and Workbook. A meeting with the Intercountry Adoption Worker is required.
4. If approved to proceed, applicants work with an Independent Practitioner to complete the home study. Applicants also compile all their necessary

documents, complete additional processes required by the foreign authority, and work with Citizenship and Immigration Canada (CIC) on immigration applications and procedures.

5. The Intercountry Adoption Worker reviews the completed home study and Dossier. Where all requirements and conditions have been met, the Intercountry Adoption Worker forwards the home study and Dossier to the applicable foreign authority or country. Applicants then wait for a child proposal.
6. Proposals are sent to the Intercountry Adoption Worker, who reviews them for suitability and to ensure the child's country has verified the child is eligible to be adopted. Once verified, the Intercountry Adoption Worker will review the proposal with the applicants, who make a decision on whether or not they are able to meet the child's needs.
7. When applicants accept a proposal, they complete the necessary acceptance documents and wait for approval from the foreign authority to travel. Travel times are generally known well in advance, but applicants should be prepared to travel on short notice.
8. When applicants travel to the foreign country, they may be expected to participate in the adoption proceedings. While there, applicants should take the opportunity to learn more about the child, his or her family and place of birth, and should record this information and take pictures.
9. Upon return to Canada, applicants may be expected to participate in the completion of post-placement reports for a period of time. If an order of adoption is not granted in the child's country of origin, applicants must proceed to work with a lawyer to make application for an order of adoption in Saskatchewan.
10. Upon return to Canada, applicants also work with Citizenship and Immigration to ensure all immigration requirements have been met.



For More Information

Contact the Intercountry Adoption Worker at:

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