

Are You Thinking About Adoption For Your Child?

Questions and Answers

About Planning a Private Adoption

The purpose of this document is to give you information to consider about planning a private adoption for your child.

This document should be read and reviewed with you at the beginning of the adoption process before you proceed with adoption planning.

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Introduction

This document is written for anyone considering making an adoption plan for their child. The child may or may not already be born. The purpose of this document is to outline the process involved in planning a voluntary, private adoption and sets out the responsibilities of everyone involved in a private adoption.

What are the steps I need to take if I want to place my child with an adoptive family through private adoption?

To plan a private adoption you need to:

- contact a private adoption licensee or agency
- meet with a private adoption practitioner or other adoption counsellor
- provide social and medical history information about yourself and your family
- review profiles of prospective adoptive families and consider which family you would like to adopt your child
- meet the family, if you wish
- discuss with the licensee the details of how and when the placement of your child will happen
- review your decision at each stage of the process
- sign an adoption consent when your child is at least seven days old

What Legislation governs private adoption in Ontario?

- The *Child and Family Services Act*, R.S.O. 1990, c. C. 11 governs child welfare in Ontario. Part VII of the Act sets out the rules governing the adoption of children.

What is a licensee?

- a licensee is a person who has a licence from the Ontario government permitting him or her to place children for adoption
- no one except a private adoption licensee is allowed to place children for adoption privately in Ontario
- the licensee is responsible for managing the adoption process
- the licensee must collect the social and medical histories and the homestudy from the adoption practitioner and birth parent counsellor
- the licensee must send the information to the ministry with an adoption proposal for review and approval.

What is a Homestudy?

- In order to adopt a child, applicants must meet with an adoption practitioner who will assess their eligibility and suitability to become adoptive parents to a child. The report the adoption practitioner prepares is called a homestudy.

How is the Private and International Adoption Unit of the Ontario Ministry of Children and Youth Services involved in the adoption of my child?

The Private and International Adoption Unit of the Ministry of Children and Youth Services will:

- review your social and medical history information and the homestudy of the prospective adoptive family
- decide whether or not to approve the proposal to place your child with the adoptive applicants
- review the report on the child's adjustment written by the adoption practitioner after the child has lived with the adoptive family for at least six months and after the adoption practitioner has made at least three follow-up visits with the child and the adoptive family in their home
- write a statement for the court to say whether or not the ministry Director agrees that the adoption be made final

Why should I talk to an adoption counsellor?

An adoption counsellor can guide you through the adoption process. Your counsellor can talk with you about the following options:

- parenting your child, including financial and other supports available
- adoption placement through private adoption
- adoption placement through public adoption at a children's aid society

If you decide to go ahead with private adoption, the adoption counsellor can:

- help you with the planning for the adoption of your child
- provide you with counselling support
- have you complete social and medical history information about yourself and your family
- ask you about the qualities that you would like to see in the family who adopts your child

- present information to you about three or more families who are waiting to adopt privately
- discuss with you other things about adoption such as openness, including the possibility of visits, pictures/letters for you, gifts/letters/pictures for your child;
- go with you if possible, if and when you meet the adoptive family

If the child is a newborn the adoption counsellor can:

- visit with mother and child in the hospital
- talk about whether or not adoption is still going to be the plan for the child

The adoption counsellor can also:

- continue to provide you with counselling support if needed until the adoption of the child has been finalized, usually between 6 months and a year after placement
- provide you with a referral for further counselling if needed after the adoption has been finalized

How do I find an Adoption Counsellor?

You can contact an approved adoption practitioner yourself through the list of approved adoption practitioners on the ministry website at www.children.gov.on.ca, or your licensee may help arrange for an adoption counsellor to meet with you. If you are already seeing a counsellor for other reasons, your licensee may provide adoption information to your counsellor so that he or she can support you in the planning for the child.

Why do I have to give social and medical history information?

The information you provide in your social and medical histories is important information for your child to have. Providing this information will also help your counsellor and licensee in selecting families to present to you.

Providing information about yourself and your adoption plan will give your child knowledge of his or her birth family as well as an understanding of why he or she was adopted. Many people who are adopted want to know about their birth parents and about the adoption plan that was made. You need to keep in mind what you would like your child to know about you. The counsellor can help you put your thoughts on paper.

The following are some of the most common questions adopted people ask about their background:

1. What were the circumstances that led to my adoption?

2. How did my birth parents feel about their decision?
3. Did their families support the adoption plan?
4. Who do I look like?
5. What are my birth parents like?
6. What talents, interests or personality traits do I have in common with my birth parents, e.g., temperament, habits, skills, favourite foods, music, literature, hobbies, sports, etc?
7. What is my birth family's medical and health history?

It is important to provide as full and complete information as possible in your own words. Use additional sheets of paper where the forms do not provide enough space for you to write all you want to say.

Generally, adopted people want to know about both birth parents. Many adopted people say they can accept a lack of information more easily if they understand why it is not available.

The social and medical history information you provide will be given to the adopting parents, to pass on to your child as he or she grows up. A copy of the information will also be kept on file at the Ministry of Children and Youth Services.

What is an adoption consent?

An adoption consent is a document that you would sign in order to give permission for your child to be adopted. An adoption consent can be signed when the child is at least 7 days old, not counting the day the child was born, and must be witnessed by a lawyer.

What if I want to withdraw my consent?

The lawyer who witnesses your consent, the adoption counsellor or the licensee will be able to help you with this and will be able to discuss any questions or concerns you may have. If you wish to withdraw your consent you must do so in writing and give it to the licensee within 21 days after the consent is given.

If the 21 days has passed a court may permit you to withdraw your consent if the child has not yet been placed with his or her adoptive family.

Who chooses the family who will adopt my child?

You can express your preferences regarding the family you want to adopt your child. All families who want to adopt are required to have a homestudy completed by a person who has been approved by the ministry to do homestudies. If the licensee thinks that the family would be appropriate he or she would propose the placement to a ministry

Director. If the ministry Director agrees with the proposed placement he or she would approve it. The licensee or adoption counsellor can provide you with information about families who have completed an adoption homestudy and who have the characteristics that are important to you. If someone else suggests a particular adoptive family for your child they can also be considered.

What if I want to place my child with a family who hasn't had a homestudy done?

The family will have to have a homestudy done. The child's adoption placement can only happen after the homestudy and adoption training has been completed and a ministry Director has approved the placement. Homestudies take at least a month to complete.

What is open adoption?

Open adoption involves some kind of contact or communication between birth parents and the adoptive family after the adoption happens. In fully open adoptions birth parents and adoptive parents exchange names and information about how to contact each other. In some cases the families stay connected with each other through letters, pictures, telephone, e-mail and/or ongoing visits. Sometimes the communication may not be direct and may not include identifying information.

What is an openness agreement?

An openness agreement describes the kind of communication that is planned between birth families and adoptive families after the child is placed with the adoptive family. An agreement about openness is based on trust in which all recognize they are beginning a relationship in the child's best interests. Over time they may find they need to refer to the actual agreement less, but it is a good starting point. Before your child goes home with the adoptive family, you and the adoptive parents should decide together the plans for future contact or communication.

You may find it difficult to have a clear picture at the beginning of whether you want contact or how you want contact to happen in years to come. You may change your mind from time to time about the kind of openness that is right for you. Openness agreements should be flexible enough to allow for changes in the openness arrangements over time.

What if I don't want to have contact with my child and the adoptive family?

You can decide not to have contact with your child and the adoptive family. There is no expectation that you must stay in contact with them. No one level of openness fits all families.

What if the adoptive parents decide to stop having contact with me in the future?

An openness agreement may include a process to resolve disputes arising under the agreement. This might include a plan to meet with a mediator to help resolve any problems if they arise. Your licensee or adoption counsellor may be able to help you find a mediator.

Does the child's father have a right to prevent the child from being adopted if the child's mother wants to place the child?

In some circumstances the consent of the child's biological father is required. Your licensee will be able to give you information about the circumstances.

Does the child's mother have to include the child's father in the adoption planning if he is not the kind of father whose consent is required?

- a child's father should be involved in the adoption planning, if at all possible.
- a child should have as much information as possible about his or her birth father, especially medical information.

What if the child's mother does not know who the child's father is?

It is best for a child to have as much information as possible about his or her father. Any information the child's mother can give about the possible father of the child will be helpful in adoption planning and important for the child and adoptive family in the future. If more than one person could be the father of the child it is helpful for the child's mother to give information about each possible father.

Who pays for the expenses connected with private adoption?

Private adoption licensees can charge adoptive parents or prospective adoptive parents for certain expenses of an adoption. Birth parents are not charged fees for adoption services.

Adoptive parents pay the adoption licensee for the following kinds of expenses:

- counselling services for birth parents
- preparation of social and medical histories of birth parents
- preparation of social and medical histories of a child
- foster care for a child, if necessary, while waiting for the adoption placement
- independent legal advice for anyone who plans to sign an adoption consent
- transportation relating to the adoption placement of a child

When can my child go to live with his or her adoptive parents?

Your child can go to live with his or her adoptive parents after a Director at the Ministry of Children and Youth Services approves the placement.

What if, after my baby is born, I need more time to think about whether I want to go ahead with the adoption placement?

If you need more time to think about your decision after the baby must leave the hospital, some options are:

- you could take the baby home with you
or
- you could ask the licensee to place your baby in a private foster home for a short while

If you need a longer time to reconsider your adoption plan, you will need to talk with the licensee or adoption counsellor about alternative planning for your baby.

Will anybody check on how my child is doing after he or she is placed with the adoptive family?

The adoption practitioner must visit the child during the first six months. The first visit must take place during the first 30 days of placement. At least 2 more visits must take place before the court can finalize the adoption. After the last visit with the child in the

adoption home, the adoption practitioner will write a report about how your child is progressing. That report is given to the ministry Director who then writes a statement to file with the court indicating whether or not he or she thinks it is in the child's best interests for the adoption order to be made.

When will my child's adoption be finalized in court?

Your child must live with the adoptive parents for at least six months before the court can grant an adoption order making the adoption final. The adoption should be finalized in court by the time the child has been living with the family for 12 months.

Will I be told when the child's adoption becomes final?

If you ask the licensee who placed your child for adoption he or she must inform you whether an adoption order has been made for your child.

What is adoption disclosure?

Adoption disclosure refers to information about an adoption that the Ontario government may release to you and your adopted child after the adopted person becomes an adult. The licensee who is managing your child's adoption and/or your birth parent counsellor will talk with you about your rights under the adoption disclosure laws.

Can I have a copy of my child's Adoption Order?

You have a right, once your child reaches age 19, to apply for information from the adopted person's original and substituted birth registration and adoption order, not including information about the adoptive parents.

Can my child obtain a copy of his or her original birth certificate?

An adopted adult can apply for a copy of his or her original birth registration and adoption order.

What if I do not want my child to find me when he or she grows up?

You can submit a "no contact notice" or a "notice of contact preference" which will be given to your child when he or she requests a copy of his or her original birth registration.

What if my child decides he or she does not want me to find him or her?

Your child can submit a “no contact notice” or a “notice of contact preference” which will be shared with you when you request a copy of his or her adoption order.

Can my child or I access information from the adoption file?

Each of you would have a right to apply for non-identifying information related to the adoption. Non-identifying information includes copies of all documents from the original adoption file, with any information that might identify anyone other than the person who requested the service removed. Individuals requesting non-identifying information would obtain application forms and related guides from ServiceOntario.

If I do not have contact with my child or I lose the contact while he/she is growing up, how can I obtain contact after he or she becomes an adult?

You have a right to apply to be named on the Custodian of Adoption Information database called the adoption disclosure register. This is a voluntary service that matches adopted adults with birth relatives. Both the adopted adult and a birth relative must have applied for his or her name to be added to the register in order for a match to be made. When a match is made, the contact information provided to the register is the information that is provided to each of the parties matched. It would be important to keep your contact information up to date with ServiceOntario.

What happens if during the years after my child’s adoption I become aware of important medical information that could potentially affect my child’s health? What can I do?

You could request a severe medical search in cases of severe illness where your child is likely to derive a direct medical benefit. A direct medical benefit means a significant increase in the likelihood of diagnosing or treating a severe mental or physical illness. You would contact ServiceOntario for application forms and guides. Upon receipt of an application staff in the office of the Custodian of Adoption Information (CAI) would determine whether or not the request meets the medical eligibility requirements for a severe medical search. If the request meets the test set out in regulation under the law, the CAI would reach out to attempt to find the person sought.

What responsibilities does the adoption licensee have?

An adoption licensee or agency is responsible for the management of the adoption until it has been finalized in court. The licensee or agency has care, custody and control of your child once every parent whose consent is required has consented and the 21 day withdrawal period has expired. The licensee remains the child’s legal guardian until the

adoptive parents become the child's legal guardians when the court finalizes the adoption.

The licensee must remain neutral and therefore cannot give you or the adoptive parents legal advice, even if the licensee is a lawyer. The licensee must arrange for a lawyer to provide you with independent legal advice before you sign your adoption consent. Each person signing a consent to your child's adoption must see a different lawyer.

An adoption licensee or agency must:

- comply with Ontario's adoption laws
- offer to have counselling available for you throughout the process until the adoption has been finalized in court
- work together with your adoption counsellor to plan the adoption placement
- obtain the approval of the placement from a Director in the Private and International Adoption Unit at the Ministry of Children and Youth Services before the child can be placed in an adoption home
- make sure that you have independent legal advice before signing an adoption consent
- return the child to you, if you withdraw the consent within 21 days after signing it, and you had custody of the child at the time you signed the consent and,
- provide you with information about Ontario's adoption disclosure laws

What are the offences that are set out in Ontario's adoption laws?

Under Ontario adoption law:

No person, before or after a child's birth, shall give, receive, or agree to give or receive a payment, or reward of any kind, in connection with:

- the child's adoption or placement for adoption
- a consent to the child's adoption, or
- negotiations or arrangements with a view to the child's adoption
except for:
 - the prescribed expenses of a licensee or such greater expenses as are approved by a Director
 - proper legal fees and disbursements, and
 - a subsidy paid, by an approved agency or by the Minister, to an adoptive parent or to a person with whom a child is placed for adoption

It is also an offence:

- for a person to place a child for adoption privately without the involvement of a licensee, unless it is a relative adoption where the adoptive parent is a grandparent, aunt, uncle, great aunt or great uncle of the child
- for adoptive parents to take a child home with them before they have received a ministry Director's approval of the placement
- for the licensee or agency to charge birth parents for any services with respect to the adoption of a child whether or not they go ahead with the placement of the child
- for birth parents to receive any gift, payment or benefit from the adoptive parents or anyone else in relation to an adoption
- for adoptive applicants or anyone else to give, or offer to give any payment, gift or reward to birth parents when they are placing a child with them for adoption

Why is it an offence for adoptive parents to give birth parents any payments or gifts?

The law is written that way to make sure that you can feel free to sign your consent, decide not to sign your consent, or change your mind and withdraw your consent, without the possibility of feeling guilty or feeling any obligation to continue with the adoption plan because you received a payment or gift from the adoptive parents.

ACKNOWLEDGEMENT

RE: BIRTH PARENT MEMORANDUM

I acknowledge that:

- I have reviewed the specific content of this Memorandum with my licensee and have provided him/her with a signed copy of it.
- I understand that I will not be reviewing profiles of adoptive families until after I have met with an adoption counsellor to discuss the private adoption process and complete social and medical history information.
- I understand the information in this Memorandum and all my questions about the Memorandum have been answered.
- I have received a copy of the Memorandum for my records.

Date: _____

Print Name: _____
Parent

Signature: _____
Parent

I acknowledge that:

- I have reviewed this Memorandum with _____
Name of Parent
- I have answered his/her questions arising from our review of the Memorandum.

Date: _____

Print Name: _____
Person Reviewing Document

Signature: _____
Person Reviewing Document