



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ADOPTION ACT SUPPORTED ADOPTION REGULATIONS

PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this regulation, current to November 2, 2024. It is intended for information and reference purposes only.

This document is *not* the official version of these regulations. The regulations and the amendments printed in the *Royal Gazette* should be consulted on the Prince Edward Island Government web site to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the *Table of Regulations* on the Prince Edward Island Government web site (www.princeedwardisland.ca).

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SUPPORTED ADOPTION REGULATIONS

Table of Contents

Section	Page
1. Definitions.....	5
2. Adoption support agreement	6
3. Maintenance payments.....	6
4. Special support.....	7
5. Agreement for future support.....	7
6. Subject to review every 2 years	7
7. Termination of agreement.....	8



**ADOPTION ACT****CHAPTER A-4.1****SUPPORTED ADOPTION REGULATIONS**

Pursuant to section 57 of the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, Council made the following regulations:

1. Definitions

In these regulations

- (a) **“adoption support agreement”** means an agreement, referred to in section 56 of the Act, between the Director and the adoptive parents of a child that provides for assistance in respect of the adoption of the child and that is entered into, or designated as such an agreement, in accordance with these regulations;
- (b) **“adoptive parents”**, in respect of a child, includes proposed adoptive parents of the child;
- (c) **“assistance”** means assistance provided to adoptive parents, in accordance with these regulations, and includes
 - (i) a maintenance payment, and
 - (ii) special support;
- (d) **“maintenance payment”** means a payment for the ongoing basic needs of a child;
- (e) **“special need”** means a special need of a child identified by the Director under subclause 2(1)(a)(i);
- (f) **“special support”** means support, in any form, for a special need of a child and includes, but is not limited to, the payment or provision of the following:
 - (i) medical expenses,
 - (ii) home renovations to accommodate an identified need,
 - (iii) equipment determined by the Director to be necessary for the child,
 - (iv) counselling or therapy, including psychological, occupational, play, speech or hearing therapy,
 - (v) remedial education,
 - (vi) rehabilitation therapy,
 - (vii) extraordinary transportation costs,
 - (viii) respite care,
 - (ix) adoption support and information services,
 - (x) parenting programs or other training, or

- (xi) any other expenses related to care and treatment. *(EC124/02; 719/05)*

2. Adoption support agreement

- (1) The Director may enter into an adoption support agreement with adoptive parents where the child to be adopted is under the age of 18 years, is in the permanent custody and guardianship of the Director and
- (a) in the opinion of the Director,
- (i) the child has one or more special needs because of a mental or physical disability, a serious attachment issue or an emotional or behavioural issue that significantly impedes the normal development of the child, or
- (ii) the child is at risk of developing any of the disabilities or issues listed in subclause (i) due to a history of abuse, neglect, multiple placements, prenatal risks or has a parent with a known genetic illness; or
- (b) is part of a sibling group being placed in the same family, or has a positive emotional tie of significant duration to the adoptive parents.

Assessment documentation

- (2) For the purposes of subclauses (1)(a)(i) and (ii), the Director shall assess and document the assessment of the child's level of present or potential needs and the level of care required by the child.

Document facts

- (3) For the purposes of subclause (1)(b), the Director shall document the facts of the child's sibling relationships and emotional ties.

Signing prior to adoption

- (4) An adoption support agreement, other than one referred to in subsection 5(2), shall be signed by the parties before the making of a final order for the adoption of the child.

Service delivery

- (5) Before an adoption support agreement is signed by the Director and the adoptive parents, the Director shall attach to the agreement a schedule specifying the assistance and services that will be provided to the family pursuant to the agreement. *(EC124/02; 719/05)*

2.1 Post-adoption agreement

Notwithstanding subsections 2(1) and (4), the Director may enter into an adoption support agreement with adoptive parents at any time after the final order of adoption, where

- (a) the child is under the age of 18 years;
- (b) the child was in the permanent custody and guardianship of the Director immediately before the adoption; and
- (c) subclause 2(1)(a)(i) or (ii) applies. *(EC947/24)*

3. Maintenance payments

Maintenance payments to adoptive parents

- (a) shall not be paid unless the Director is satisfied that care for the child will place an undue financial burden on the family, as determined in accordance with the policies and procedures established by the Director; and

- (b) shall not exceed the basic Children in Care rate or equivalent rates established by policies of the Director. (EC124/02)

4. Special support

- (1) Special support may be provided to adoptive parents in respect of a special need of the child only to the extent to which comparable support is not available from another source, that the Director considers appropriate, without charge to the adoptive parent.

Not to exceed children in care amounts

- (2) The cost of any special support provided to adoptive parents shall not exceed the cost of the services or support that the child would be eligible for if the child were in the care of the Director.

Accounting by adoptive parents

- (3) Adoptive parents shall provide an accounting to the Director for assistance received pursuant to these regulations, in accordance with the policies and procedures established by the Director.

Idem

- (4) The prior approval of the Director is required respecting an expenditure by the adoptive parents for which special support is claimed, and the adoptive parents shall provide written estimates of the expenditure, as directed by the Director.

Penalty for failure to account

- (5) The Director may withhold, suspend or disallow future payments or require repayment of sums paid under these regulations where adoptive parents fail to comply with subsection (3). (EC124/02)

5. Agreement for future support

- (1) If, prior to an adoption, no assistance has been identified as being required by the Director or requested by the adoptive parents, the Director may enter into an adoption support agreement with the adoptive parents that provides for assistance at a later time on the basis of the assessed needs of the child.

Designated agreement

- (2) The Director may designate as an adoption support agreement any agreement referred to in section 56 of the Act that was entered into prior to the coming into force of these regulations. (EC124/02)

6. Subject to review every 2 years

- (1) All adoption support agreements made pursuant to these regulations shall be subject, at least every two years, to review by, and to the approval of, the Director.

Revision

- (2) After a review pursuant to subsection (1), the Director may revise any terms and conditions of an adoption support agreement as the Director may consider appropriate.

Suspension of assistance

- (3) Notwithstanding anything to the contrary in these regulations or in an adoption support agreement, the provision of assistance pursuant to the adoption support agreement may be

suspended for any time periods during which the child does not reside with an adoptive parent. (EC124/02)

7. Termination of agreement

- (1) The provision of assistance under an adoption support agreement terminates on the earlier of
 - (a) the day that the child reaches the age of 18;
 - (b) the day the child leaves the care of the adoptive parents;
 - (c) the day the child dies;
 - (d) the day determined by mutual agreement of the Director and the adoptive parents; or
 - (e) the day the child moves to another country.

Extension to age 25

- (2) Notwithstanding clause (1)(a), the Director may extend assistance under an adoption support agreement until the child reaches the age of 25 years if the Director considers it necessary and important in terms of the best interests of the child.

New agreement for child out of country

- (3) Notwithstanding clause (1)(e), where an adoptive parent and the child move to another country, the Director may extend assistance under the adoption support agreement if the Director considers it necessary and important in terms of the best interests of the child.

Family moves to another region

- (4) Revoked by EC719/05.

Family moves to another province or territory

- (5) For greater certainty, the provision of assistance under an adoption support agreement is not terminated by reason of the fact that an adoptive parent and the child have moved to another province or to a territory. (EC124/02; 719/05; 947/24)