



PRINCE EDWARD ISLAND
ÎLE-DU-PRINCE-ÉDOUARD

ADOPTION ACT REGULATIONS

PLEASE NOTE

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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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ADOPTION ACT
Chapter A-4.1

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) “**accepted standards of professional practice**” means practice methods which are consistent with
 - (i) a person’s professional training;
 - (ii) current teaching as given in recognized professional schools and reflected in professional journals and reports,
 - (iii) customary practices generally evident among peers in Canada,
 - (iv) codes of ethics and other such standards of practice as published by professional organizations in the person’s field;
- (b) “**Act**” means the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1;
- (c) “**adoption study**” or “**pre-hearing adoption study**” means a pre-hearing adoption study required under section 19 of the Act;
- (d) “**assessment of placement risk**” means the ascertaining of apparent risk in a placement which is required by clause 4(b) of the Act;
- (e) “**authorized social worker**” means a person who holds a valid certificate of authorization issued under section 75 authorizing the person to provide the services of placement counselling, assessment of placement risk, monitoring placements, pre-hearing adoption studies, and obtaining of consents;
- (f) “**consent to adoption**” means a consent under section 22 of the Act;
- (g) “**consent to placement**” means a consent by a parent as required under subclause 4(a)(ii) of the Act;
- (h) revoked by EC499/04;
- (i) “**placement counselling**” means counselling of a parent or parents as required under subclause 4(a)(i) of the Act. (*EC526/93; 499/04; 665/09; 946/24*)

LICENSE

2. Requirements

- (1) For the purpose of clause 3(b) of the Act, the qualifications for a license authorizing a person to place a child, or act as an intermediary in or arrange the placement of a child, are as follows:
 - (a) registration in Prince Edward Island, with current good standing, as one of the following professionals:
 - (i) social worker,
 - (ii) lawyer,
 - (iii) physician,
 - (iv) psychologist;
 - (b) successful completion of an information and training program in placement and adoption matters given or approved by the Director;
 - (c) passing such examination and testing exercises as are conducted by the Director to demonstrate knowledge of, aptitude for and skills in applying the law, principles and accepted standards of professional practice with respect to placement and adoption.

Corporations etc. not to be licensed

- (2) A license shall be issued only to an individual person, not to any corporation, partnership or group of persons. *(EC526/93; 946/24)*

3. Application

A person seeking a license shall apply to the Director in a form approved by the Director and provide such other information as the Director may require for assessing the application. *(EC526/93; 946/24)*

4. Training program

- (1) The Director may offer, arrange for or approve the offering of an information and training program in placement and adoption matters, so that applicants may acquire the necessary qualification.

Idem

- (2) The program may be either a standardized group program, or tailored to an individual applicant's particular training and experience. *(EC526/93)*

5. Examination of applicants

The Director shall administer a standard examination and set of exercises to determine an applicant's knowledge, aptitude, and skills in applying the law, principles and accepted standards of professional practice with respect to placement and adoption. *(EC526/93)*

6. Issuance of license

- (1) Subject to subsection (2), the Director may issue a license to an applicant who has the qualifications set out in section 2.

Need for service

- (2) When assessing an application for a license, the Director shall consider the need for persons authorized to place children, or act as an intermediary in or arrange the placement of children, and the number of licensees doing so in the geographic area where the applicant intends to provide those services.

Director's discretion

- (3) Notwithstanding any other provision of these regulations, the Director may refuse to issue a license or limit the number of licenses issued pursuant to this section. *(EC26/02; 946/24)*

7. Oath of confidentiality

A person to whom a license is issued shall take an oath, administered by the Director, to maintain confidentiality with respect to the personal information involved in placement and adoption work, and to abide by the standards set out in these regulations and in such other policies as the Director may institute pertaining to the disclosure of identifying information. *(EC526/93)*

8. Directions, supplementary qualifications

Where an applicant for a license does not fully meet the requirements, the Director may give directions as to further qualification, study, knowledge or experience which the applicant is to acquire before a new application will be considered. *(EC526/93)*

9. Term of license

- (1) The term of a license is three years from the date of effect, unless a shorter term or a condition is imposed.

Renewal of license

- (2) A person seeking to renew a license shall apply to the Director at least 30 days prior to its expiry, providing such information as the Director may require, and, subject to section 10, the Director shall renew the license. *(EC526/93; 946/24)*

10. Refusal etc. of license

The Director has authority to refuse to issue or refuse to renew, to suspend or revoke, or to impose conditions on a license if the Director has reasonable and probable grounds to believe that the person

- (a) is not registered, in good standing, as a qualified person in one of the professions specified in section 2;
- (b) lacks current knowledge of laws, principles, information and accepted standards of professional practice with respect to placement and adoption;
- (c) lacks the aptitude and skills necessary for effective placement work;
- (d) has failed, or is likely to fail, to follow all requirements of the Act and regulations and accepted standards of professional practice with respect to placement work;
- (e) has not abided by the oath of confidentiality, and the laws and policies set by the Director governing disclosure of information; or
- (f) has been convicted of an offence that is relevant to the performance of placement work. *(EC526/93)*

11. Investigation

If there is any indication that an applicant or licensee may not qualify or be fit to have a license issued or renewed, or that the license should be suspended or revoked or that a condition should be imposed on it, the Director may make or cause to be made an investigation to determine the relevant facts and make a conclusion about fitness to be licensed. *(EC526/93)*

12. Notice to applicant of intended refusal etc.

Where the Director intends to make a negative licensing decision as referred to in section 10, the Director shall inform the applicant or licensee of the intended decision and the reasons for it, and give the person the opportunity to respond within seven days, before confirming the decision. *(EC526/93)*

13. Decision

Following the opportunity for response required by section 12, the Director shall in writing inform the applicant or licensee of the decision, and the reasons for it. *(EC526/93)*

14. Temporary suspension

In a situation where there are reasonable and probable grounds to believe that there is significant risk of serious harm resulting from the work or actions of a licensee, the Director may temporarily suspend the person's license pending investigation and action under sections 10 to 13. *(EC526/93)*

15. Transfer of records

A person whose license expires or is cancelled shall arrange with the Director for disposition of the licensee's records, so as to provide for security of the information and for possible use for authorized disclosure purposes. *(EC526/93)*

PERMIT**16. Application for permit**

The parent or guardian of a child may apply, in a form approved by the Director, for a permit to place the child directly with a prospective adoptive parent who is related to a parent of the child as

- (a) a parent, aunt or uncle, sibling, half-sibling, first cousin, niece or nephew; or
- (b) a more distant relative approved by the Director. *(EC526/93; 946/24)*

17. Persons eligible to obtain permit

Revoked by EC946/24. *(EC526/93; 665/09; 946/24)*

18. Requirements re prospective adoptive parent

Revoked by EC946/24. *(EC526/93; 665/09; 946/24)*

19. Knowledge etc. of obligations

In issuing a permit, the Director shall ensure that the applicant or applicants and the prospective adoptive parent or parents have an opportunity to become aware of options for and assistance with placement, and that they have knowledge of and agree to comply with the requirements of the Act and regulations concerning placement. *(EC526/93; 614/96)*

20. Refusal etc. of permit

The Director may refuse to issue, or may attach conditions to or revoke a permit if there are reasonable and probable grounds to believe that any of the following factors pertain:

- (a) misrepresentation;
- (b) poor understanding of, or unwillingness to comply with, legal or practical requirements;
- (c) inadequate planning or significant risk that the placement and adoption plan will not be successful;
- (d) unwillingness or a change in willingness to make or support the proposed placement;
- (e) likelihood of harm to the child's basic welfare as indicated by the assessment of placement risk;
- (f) guardianship of the child has been transferred only as a convenience so as to facilitate placement;
- (g) a breakdown of the placement and adoption plan;
- (h) the proposed placement does not appear to be in the best interests of the child. *(EC526/93; 614/96)*

21. Transitional

Revoked by EC499/04.

(EC526/93; 499/04)

PLACEMENT COUNSELLING**22. Counselling**

- (1) Placement counselling shall be provided by an authorized social worker.

Recognition of counselling in other jurisdiction

- (2) Notwithstanding subsection (1), placement counselling that is given in another jurisdiction may be provided by a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case. *(EC526/93; 499/04)*

23. Guidelines

A person who provides placement counselling shall do so following such guidelines and procedures as may be provided in policy or approved by the Director. *(EC526/93)*

CONSENT TO PLACEMENT

24. Consent to placement

- (1) For the purpose of section 4 of the Act, a consent to placement shall indicate that the person consenting is voluntarily agreeing to transfer custody of the child with the understanding that the purpose or likely outcome is the adoption of the child.

Execution

- (2) A consent to placement shall be executed after the birth of the child and before the child is placed or, where it was previously not known that adoption was the purpose or likely outcome, then as soon as it becomes evident that the child is in fact being placed for purposes of adoption. *(EC526/93; 665/09; 946/24)*

25. Dispensing with birth mother's consent

Revoked by EC946/24. *(EC614/96; 499/04; 946/24)*

26. Father's/Other Parent's consent

Where it is possible to identify and contact a person who may be a parent of a child who is being placed, even though that person does not meet the requirements for clear entitlement to consent under clause 22(c) of the Act, the person arranging the placement, or an authorized social worker in a case of placement by permit, shall make reasonable efforts to

- (a) inform the person that placement and adoption are intended;
- (b) explain to the person the Act's provisions concerning establishing parentage and a parent's entitlement to placement counselling and to consent or not to placement and to adoption; and
- (c) offer the person the opportunity to sign a declaration that the person has been informed of the matters in clauses (a) and (b) and does not want to pursue or exercise any possible entitlement to consent. *(EC526/93; 614/96; 665/09; 946/24)*

27. When father's/other parent's consent not required

Revoked by EC946/24 *(EC526/93; 614/96; 499/04; 665/09; 946/24)*

28. Independent advice

Before a consent to placement is signed, the person who provides placement counselling shall inform the parent that the parent may seek independent legal advice about executing the consent. *(EC526/93; 665/09; 946/24)*

29. Affirmation that counselling provided

A consent to placement is not valid unless the person who provides the placement counselling witnesses it and signifies on it that counselling has been given for the three purposes specified by subclause 4(a)(i) of the Act. *(EC526/93)*

30. Distribution of consent

- (1) The person who provides the placement counselling and witnesses the consent to placement shall give a copy of the consent to the consenting person, and shall provide the original of the consent to the person who is arranging the placement.

Idem

- (2) The person arranging the placement shall
- (a) provide the original of a consent to placement to the Director, if possible accompanying the notification of placement required under section 42;
 - (b) retain a copy; and
 - (c) if required, make available a copy for the court in connection with an application for adoption. *(EC526/93)*

31. New consent if placement changed

Where a person gives consent to a child's placement with a specified person or persons, the child shall not subsequently be placed with a different person or persons unless a fresh consent is obtained, or else the first consent expressly allows for a change without the need of a fresh consent. *(EC526/93)*

32. Revocation

- (1) A person may revoke her or his consent to placement if she or he
- (a) has not given a consent to adoption which remains in force; and
 - (b) gives notice to the Director, and to the person to whom the consent was originally given, and through that person to the person responsible for arranging the placement, so as to allow new custody arrangements to be made.

Idem

- (2) Where a consent to placement is revoked pursuant to subsection (1), custody of the child reverts to the person who had custody prior to the giving of the consent. *(EC526/93; 614/96)*

33. Religious Affiliation

Revoked by EC946/24. *(EC526/93; 499/04; 946/24)*

ASSESSMENT OF PLACEMENT RISK

34. Assessment of placement risk

An assessment of placement risk shall be carried out before actual placement of a child or, if that is not possible or it was previously not known that adoption was the purpose or likely outcome, the assessment shall be conducted within the shortest possible time after it is evident that the child is in fact placed for adoption. *(EC526/93)*

35. Conduct of assessment

- (1) An assessment of placement risk shall be carried out by an authorized social worker.

Recognition of assessment in other jurisdiction

- (2) Notwithstanding subsection (1), an assessment of placement risk that is carried out in another jurisdiction may be conducted by a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case. (EC526/93)

36. Guidelines, etc.

A person who conducts an assessment of placement risk shall do so following such guidelines and procedures as may be provided in policy by the Director. (EC526/93)

37. Purpose of assessment

An assessment of placement risk is to be carried out as simply and quickly as practicable, with the purpose of establishing whether there is apparent risk of harm to the safety and the physical and emotional health of a child which is likely to result from a proposed placement. (EC526/93; 614/96)

38. Criteria

The criteria to be used in an assessment of placement risk are as follows:

- (a) consistent availability of resources to provide for the child's basic living needs including adequate food, clothing and shelter;
- (b) consistent availability or planning of appropriate child-care attendance;
- (c) no serious physical or psychiatric health problem or disability of a life-threatening degree or of such other nature as to significantly impede the applicant's capacity to parent;
- (d) no active addiction to alcohol or other drug on the part of any member of the household; where there is a history of such addiction, the person must have maintained freedom from abuse or dependency with clear indication that the addiction or risk of abuse is satisfactorily under control;
- (e) no evidence of domestic violence or abuse (whether physical, sexual or emotional) in the household; no substantiated report of domestic violence or abuse, whether of abuser or victim, within the past three years;
- (f) no conviction whatever of any member of the household for a criminal offence that indicates likely inability to provide properly for the best interests of the child;
- (g) no member of the household is or was a parent of a child who is or was, within the past five years, considered to be a child in need of protection under the *Child, Youth and Family Services Act* R.S.P.E.I. 1988, Cap. C-6.01, or a predecessor Act, or similar legislation in another jurisdiction;
- (h) no evidence that the motives of the prospective adoptive parent or parents are likely to cause results contrary to the best interests of the child. (EC526/93; 614/96; 946/24)

39. Cooperation in conduct of assessment

It is a placement requirement that the members of an intended placement household shall cooperate with the carrying-out of the assessment of placement risk, and assent to any necessary checks of information which might otherwise be confidential. (EC526/93)

40. Assessment report

- (1) The person who conducts an assessment of placement risk shall prepare an assessment report containing the person's opinion as to whether the proposed placement poses a risk of harm to the child and, if so, a description of the risk and supporting evidence.

Distribution of report

- (2) The person shall provide the assessment report to the person making the placement, with a copy to the Director.

Access to report

- (3) The person who conducts the assessment shall permit the person or persons with whom the child is to be placed, as that person or persons may request, to examine the report or to have a copy of it. *(EC526/93; 946/24)*

41. Revision of placement plan

- (1) The person who conducts an assessment of placement risk shall prepare an assessment report containing the person's opinion as to whether the proposed placement poses a risk of harm to the child and, if so, a description of the risk and supporting evidence.

Mitigation of risk

- (2) The person making the placement shall inform the Director of what measures have been taken under subsection (1) to mitigate apparent risk.

Powers of Director

- (3) The Director, if not satisfied with the measures to mitigate the apparent risk, may direct that other measures be taken or, if not satisfied about the child's security and basic welfare despite mitigation measures, that the intended placement be cancelled. *(EC526/93)*

42. to 44.

Revoked by 946/24. *(EC526/93; 614/96; 946/24)*

GUARDIANSHIP AGREEMENT**45. to 47.**

Revoked by EC946/24. *(EC526/93; 614/96; 946/24)*

48. Interim guardianship of newborn child

The Director may, upon request, issue to the prospective adoptive parent or parents a certificate or other document to provide a statement of guardianship responsibilities which have been assigned by a guardianship agreement. *(EC614/96; 946/24)*

49. Notice to Director

If a guardianship agreement is not made, and the Director is deemed to be the guardian, the person responsible for making the placement shall so notify the Director. *(EC526/93)*

50. When agreement becomes void

A guardianship agreement becomes void if

- (a) a party to the agreement revokes it and consent to the prospective adoption has not yet become final;
- (b) the child is removed from the placement;
- (c) a consent to placement is revoked;
- (d) a consent to adoption is withdrawn; or
- (e) a year has elapsed from the time of making the agreement and an adoption order has not been made,

and such contingency has not been expressly provided for in the agreement. *(EC614/96)*

OUT-OF-PROVINCE PLACEMENT

51. Placement outside the province

A person intending to place a child in a place other than Prince Edward Island, whether or not the adoption is expected to be ordered by the Prince Edward Island court, shall apply in a form approved by the Director to the Director for permission to place the child out-of-province, pursuant to section 5 of the Act, and shall provide such further information as the Director may require for assessing the application. *(EC526/93; 946/24)*

52. Criteria for assessment of placement outside province

The Director shall assess an application for out-of- province placement considering the following criteria:

- (a) the wishes of the birth parent or parents;
- (b) number of children available for placement relative to the availability of suitable prospective adoptive parents in Prince Edward Island;
- (c) disruption to the child's life likely to be caused by cultural differences between Prince Edward Island and the proposed placement destination;
- (d) risk of commercial-interest influence;
- (e) lack of clear and reliable planning;
- (f) indication of misrepresentation or improper motive;
- (g) any other factor which may pose a risk to the best interests of the child. *(EC526/93)*

53. Terms for approval

- (1) The Director shall approve an application for out-of-province placement if
 - (a) it appears satisfactory in terms of the criteria of section 52; and
 - (b) arrangements meet the placement requirements set in the Act and regulations with respect to
 - (i) placement by the Director, an agency, or the holder of a license or permit,
 - (ii) a parent consent or consents to placement,
 - (iii) placement counselling of birth parent or parents,
 - (iv) assessment of placement risk,

- (v) documentation of information concerning the child's identity and background and the circumstances of the placement in accordance with sections 6 and 7 of the Act.

Refusal and conditions

- (2) The Director may otherwise refuse to give permission or may impose conditions on permission to place a child out-of-province.

Disposition of application

- (3) The Director shall indicate approval, conditional approval or disapproval on the application, and shall
 - (a) provide it to the applicant;
 - (b) retain a copy;
 - (c) provide a copy to the adoption authority in the jurisdiction of placement. (EC526/93; 665/09)

54. Placement without permission of Director

If a person making an out-of-province placement proceeds without the Director's permission, or does not follow any conditions that have been set, the Director may

- (a) notify adoption officials in the jurisdiction of placement; and
- (b) take such non-compliance with placement requirements into account for purposes of determining the person's entitlement to provide placement and adoption services. (EC526/93)

MONITORING**55. Monitoring of placement**

- (1) The Director, an agency or the holder of a license shall arrange that any placement for which responsibility is assumed, where the application for an adoption order is to be made in Prince Edward Island, is monitored by an authorized social worker or other person acceptable to the Director so as to ensure the welfare of the child and support for the prospective adoptive parent or parents.

Monitoring in other jurisdiction

- (2) Monitoring may be carried out in another jurisdiction by a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case.

Visits to placement home

- (3) Monitoring shall include a visit to the placement home at least once during the first month of the placement and then at least once every two months until the placement is terminated or an adoption order is granted. (EC526/93; 614/96; 946/24)

56. Suspicion of risk to child's welfare

- (1) If the person monitoring a placement or conducting a prehearing adoption study has reason to suspect there is apparent risk to the child's welfare, the person shall report this in writing to the person who made the placement, providing a copy to the Director.

Adjustments consequent on adverse report

- (2) The person who made the placement shall
- (a) reconsider the plan, and either make adjustments and apply conditions so as to control the risk, or else make a new arrangement for placement of the child; and
 - (b) so inform the Director.

Powers of Director

- (3) The Director, if not satisfied with the measures to mitigate the apparent risk, may direct that other measures be taken or, if not satisfied about the child's security and welfare despite mitigation measures, that the placement be cancelled. *(EC526/93; 614/96)*

APPLICATION TO ADOPT**57. Statement of compliance with placement requirements**

- (1) Pursuant to subsection 11(2) of the Act an applicant for an adoption order shall
- (a) at the time of submitting the application to the court, send notice of it to the Director; and
 - (b) at that time, or as soon as possible thereafter, provide the Director with a copy of any consent to adoption that is submitted to the court pursuant to clause 18(1)(g) of the Act.

Statement of compliance with placement requirements

- (2) Pursuant to clause 18(1)(i), a person who applies to the court for an adoption order shall submit with the application, or subsequently in support of the application, a statement obtained from the Director to inform the court whether or not all applicable placement requirements set by the Act and regulations appear to have been met. *(EC614/96)*

PRE-HEARING ADOPTION STUDY**58. Adoption study**

- (1) The person or persons who apply for an adoption order shall, pursuant to section 19 of the Act, arrange for a pre-hearing adoption study to be conducted by the Director, an agency or an authorized social worker, well in advance of the hearing of the application so that the report is submitted at least ten days before the hearing.

Out-of-province study

- (2) Notwithstanding subsection (1), an adoption study that takes place in another jurisdiction may be conducted by a person who is acceptable to the Director as being competent in matters of placement and adoption. *(EC614/96)*

59. Span of observation

An adoption study shall include a series of at least two observations over a period of at least one month. *(EC526/93; 614/96)*

60. Information

The applicant or applicants for an adoption order shall provide, or authorize the provision of, such information as may be required for the study, notwithstanding that the information is confidential. *(EC526/93)*

61. Parent relations, etc. as relevant factor

The person who conducts an adoption study shall include in the report of it information and interpretation with respect to a parent whose legal status as parent will be cancelled as a result of the proposed adoption, concerning

- (a) the relations of that parent with the child; and
- (b) the apparent attitude and intentions of an existing parent towards consent and the proposed adoption,

if these factors appear likely to have a significant effect on the giving of a consent, the success of the proposed adoption, or the best interests of the child. *(EC614/96)*

62. Content

An adoption study shall include information and professional assessment which address the factors set out in section 20 and clause 1(d) of the Act, and the study report shall be made in such format and according to such guidelines as may be provided by the Director. *(EC526/93)*

63. Report

The person who conducts an adoption study shall submit the report of it to the court, and a copy of it to the Director. *(EC526/93)*

64. Confidentiality

- (1) The report of an adoption study is confidential.

Access

- (2) The applicant or applicants for the adoption order may, subject to subsection (3), obtain from the court access to read and copy anything from the report.

Conditions re access

- (3) The court may in particular cases withhold or limit or impose conditions on access if that seems necessary in order to protect the best interests of the child or prevent significant harm to any of the parties involved in the placement. *(EC526/93)*

CONSENT TO ADOPTION

65. Consent to adoption

A consent to adoption shall be obtained and witnessed by

- (a) an authorized social worker;
- (b) a lawyer registered to practise in the jurisdiction where the consent is executed; or
- (c) where the consent is executed in another jurisdiction, a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional

placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case. (EC526/93; 614/96; 946/24)

66. Consent to be informed consent

A person obtaining a consent to adoption shall ensure that the person who is asked to give consent

- (a) has received an explanation of the legal effects of adoption by a person referred to in section 65;
- (b) has had the opportunity, or is aware of the option, of obtaining the advice of a lawyer;
- (c) has had the opportunity, or is aware of the option, of obtaining counselling support; and
- (d) appears to make the decision freely and voluntarily. (EC526/93)

67. to 72.

Revoked by EC946/24. (EC526/93; 614/96; 946/24)

AUTHORIZED SOCIAL WORKER

73. Application for authorization

A social worker may apply to the Director, in a form approved by the Director, for authorization to

- (a) provide placement counselling;
- (b) conduct an assessment of placement risk;
- (c) monitor a placement in accordance with section 55;
- (d) conduct a pre-hearing adoption study;
- (e) obtain and witness a declaration given under section 26; and
- (f) obtain and witness a consent to placement or a consent to adoption. (EC526/93; 614/96; 946/24)

74. Qualifications

The qualifications for authorization are

- (a) current registration in Prince Edward Island, in good standing, as a social worker;
- (b) successful completion of such specialized training in placement and adoption as the Director provides; and
- (c) successful taking of such examination, interview and exercises as the Director may conduct so as to be able to judge the applicant's competence and suitability to perform the specialized professional functions required. (EC526/93)

75. Certificate and registration

If satisfied as to the applicant's competence and suitability, the Director shall issue a certificate of authorization and enter the name of the person in the register of authorized social workers, noting whether the person's registration under the *Social Work Act* R.S.P.E.I. 1988, Cap. S-5, has an endorsement for private practice. (EC526/93; 946/24)

76. Oath of confidentiality

The Director shall administer to a person who becomes authorized an oath to maintain confidentiality of personal information that is acquired in the course of placement and adoption work. (EC526/93)

77. Register

The Director shall keep a register of currently authorized social workers and make it available for reference by anyone needing the relevant professional services connected with placement and application for adoption. (EC526/93)

78. Professional development

An authorized social worker shall maintain competency by

- (a) actively practising in the work for which authorization is given; and
- (b) successfully taking such continuing professional development as the Director provides. (EC526/93)

79. Term of authorization

- (1) The term of an authorization is three years from the date of effect, unless a shorter term or a condition is imposed.

Renewal

- (2) A person seeking to renew an authorization shall apply to the Director at least 30 days prior to its expiry, providing such information as the Director may require, and the Director shall, subject to section 80, renew the authorization. (EC526/93)

80. Refusal etc. of authorization

The Director has authority to refuse to issue or refuse to renew, to suspend or revoke, or to impose conditions on an authorization if the Director has reasonable and probable grounds to believe that the person

- (a) is not registered in good standing as a social worker;
- (b) is unavailable for practice in the province;
- (c) fails to maintain current competency as required under section 78; or
- (d) is not providing satisfactory services. (EC526/93)

81. Investigation

If there is any indication that an applicant or authorized social worker may not qualify or be fit to have an authorization issued or renewed, or that the authorization should be suspended or revoked or that a condition should be imposed on it, the Director may make or cause to be made an investigation to determine the relevant facts and make a conclusion about fitness to be authorized. (EC526/93)

82. Notice to applicant of intended refusal etc.

Where the Director intends to make a negative authorization decision as referred to in section 80, the Director shall inform the person of the intended decision and the reasons for it,

and give the person the opportunity to respond within seven days, before confirming the decision. *(EC526/93)*

83. Decision

Following the opportunity for response required by section 82, the Director shall in writing inform the person of the decision, and the reasons for it. *(EC526/93)*

84. Temporary suspension

In a situation where there are reasonable and probable grounds to believe that there is significant risk of serious harm resulting from the work or actions of an authorized social worker, the Director may temporarily suspend the person's authorization pending investigation and action under sections 80 to 83. *(EC526/93; 614/96)*

85. Conditional authorization

In exceptional circumstances the Director may grant temporary or conditional authorization to a social worker who does not fully meet the requirements for initial or continuing authorization. *(EC526/93)*

DISCLOSURE

86. Information relevant to a search

For the purpose of subsection 50.1(2) of the Act, the following information in respect of the birth, adoption, marriage or death of an adopted person or a birth parent is prescribed:

- (a) in respect of a birth,
 - (i) confirmation of birth,
 - (ii) name at birth,
 - (iii) date of birth,
 - (iv) place of birth,
 - (v) names of birth parents;
- (b) in respect of an adoption,
 - (i) confirmation of adoption,
 - (ii) name on adoption
 - (iii) date of adoption,
 - (iv) place of adoption;
- (c) in respect of a marriage, the married name of the person;
- (d) in respect of a death,
 - (i) confirmation of death,
 - (ii) name on death,
 - (iii) date of death,
 - (iv) place of death. *(EC526/93; 9/20)*

86.1 Information from original birth registration

For the purpose of subsection 47(5) and section 48.3 of the Act, the following information from an adopted person's original birth registration is prescribed:

- (a) name at birth;
- (b) date of birth;
- (c) place of birth;
- (d) name of birth mother;
- (e) place of birth of birth mother;
- (f) name of birth father or other parent;
- (g) place of birth of birth father or other parent. *(EC95/21)*

87. Application for disclosure

Repeal by EC9/20. *(EC526/93; 9/20)*

88. Request for identifying information to be referred to Director

Repeal by EC9/20. *(EC526/93; 9/20)*

89. Fees

Revoked by EC946/24. *(EC526/93; 26/02; 946/24)*

90. Forms prescribed

Revoked by EC946/24. *(EC526/93; 665/09; 946/24)*

The Schedule and Forms 1 to 14 revoked by EC946/24. *(EC526/93; 614/96; 499/04; 665/09; 946/24)*