

Public Engagement

February / March 2018

# PEI Adoption Act Review: Open Records

# BACKGROUND

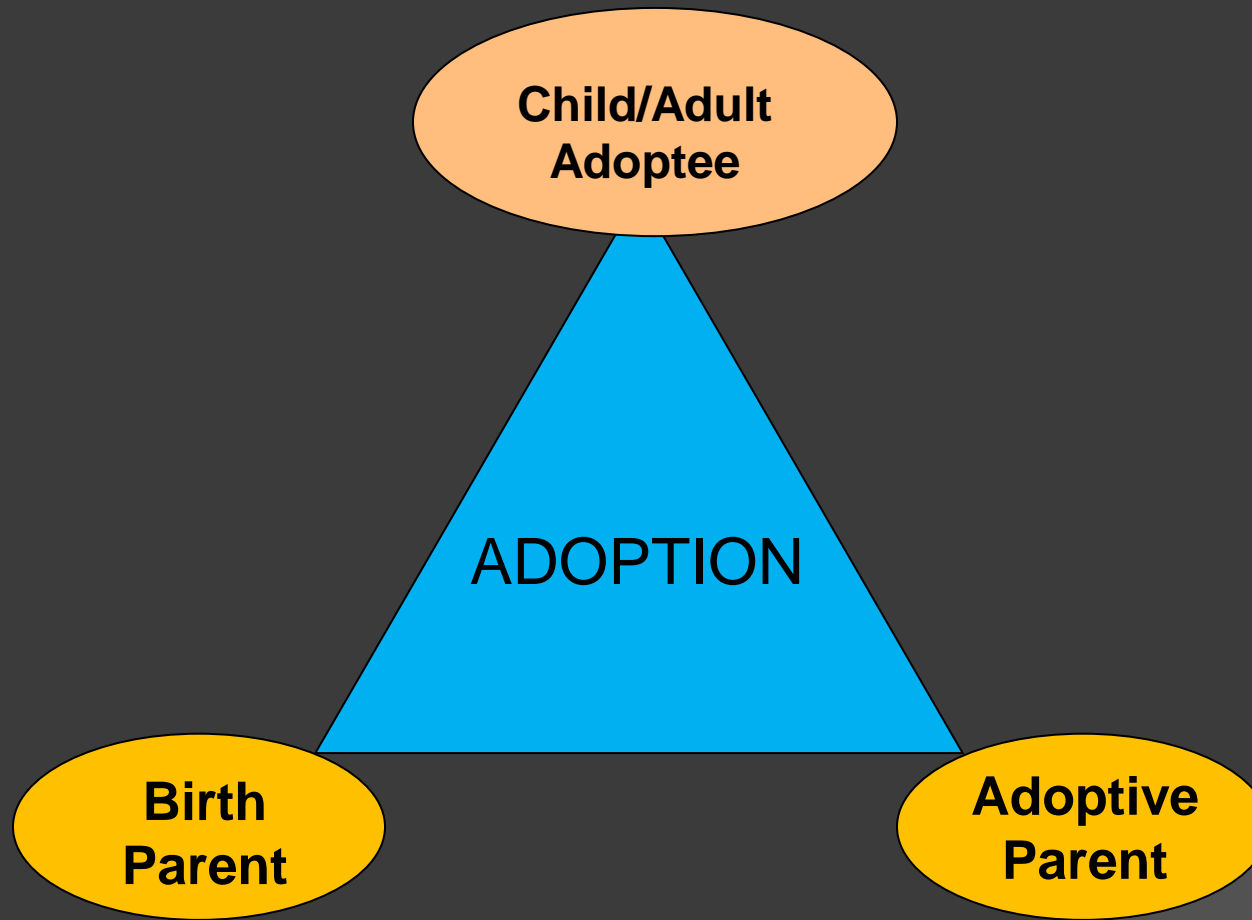
## What is adoption?

Adoption is a legal proceeding that creates a parent-child relationship which is recognized by law.



# BACKGROUND

There are 3 parties to every adoption:



# HISTORICAL INFORMATION

Prince Edward Island has maintained adoption records for approximately 100 years:

## *1916 - Adoption of Children Act*

- ⦿ Transfer of guardianship which was binding until the child reached the age of twenty-one, unless sooner married.
- ⦿ It allowed for transfer of guardianship to institutions.

## *1930 - Adoption Act*

- ⦿ Established that an adoption be legally finalized in the Court of Chancery and required the Adoption Order be registered with Vital Statistics.
- ⦿ Defined consents to an adoption, and the effects of an Adoption Order essentially diverted parental rights and established inheritance rights.

# HISTORICAL INFORMATION

1948

The Provincial Government began to take over child welfare services and hired its first professionally trained Social Worker

1951 - *Adoption Act*

- ⦿ Allowed for adoption by non-residents, and for the waiving of parental consents in such cases where the child had been in a “charitable institution” for more than a year, or the parents had “willfully neglected” their child for one year.
- ⦿ Defined the termination of parental rights for the first time.

# HISTORICAL INFORMATION

## *1974 - Adoption Act*

- ⦿ Declared that either, or both, the child and the adoptive parents had to be residents of Prince Edward Island.
- ⦿ Required that the Director must assess and prepare a report to the Court for private and step-parent adoptions.
- ⦿ Clearly outlined procedures and consents for adoption
- ⦿ Did not allow the “illegitimacy of the child” to appear on the Adoption Order
- ⦿ Clearly stated what the effect of an adoption meant.

# HISTORICAL INFORMATION

## 1993 - *Adoption Act*

- ⦿ Established for the first time, a Post-Adoption Disclosure Service within Government.
- ⦿ Sets standards for adoption practices in both the public and private sector.
- ⦿ Ensures that only social workers authorized under the Act can provide adoption-related services.

# HISTORICAL INFORMATION

## 1993 - *Adoption Act (continued)*

- Standards include:
  - a risk assessment to be completed on all adoptive families;
  - birth parents to receive professional counselling and support by an authorized social worker who would also witness consents to adoption;
  - background social history and medical information on the child and the birth family to be gathered;
  - written non-identifying background information to be given to the adoptive family and a copy to be filed with the Director prior to the legal finalization of an adoption.



# HISTORICAL INFORMATION

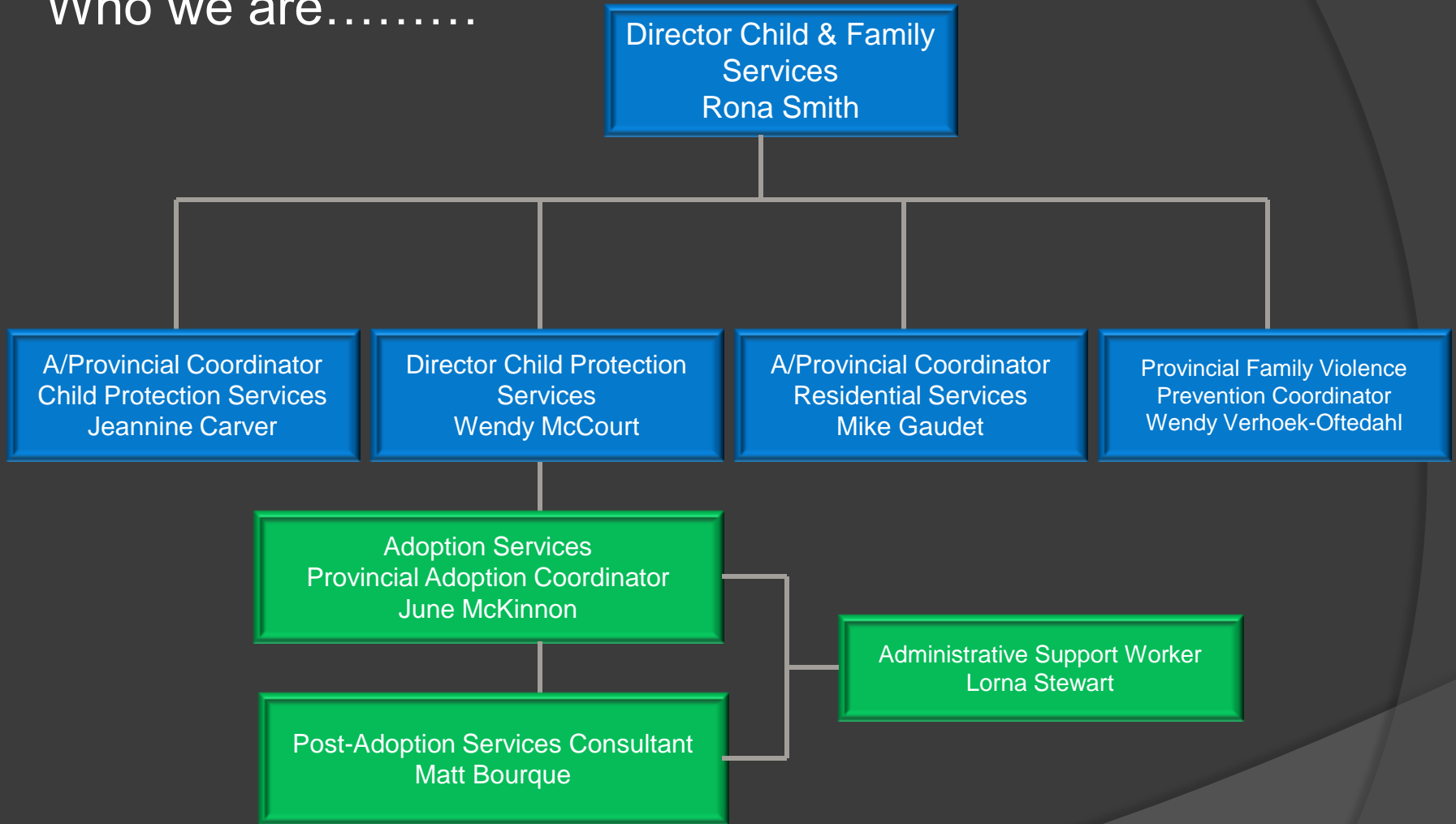
The bulk of the adoptions occurring in the 1950s to the mid-1970s were arranged by private sector agencies. It was the practice to place Island-born babies with adoptive families in the eastern New England states. This has had quite an impact on Post-Adoption Services as many adoptive applicants live out of country.

# ADOPTION SERVICES

- ◉ There are currently 3 full-time employees within the Adoption program including:
  - Provincial Adoption Coordinator – June McKinnon (1 FT position)
  - Post-Adoption Services Consultant – Matt Bourque (1 FT position)
  - Administrative Support Worker – Lorna Stewart (1 FT position)

# Child & Family Services

Who we are.....



# CURRENT POST-ADOPTION PROCESS

All requests for disclosure services must begin with an application to Post Adoption Services. No fees.

## Non-Identifying Background Information:

Adult adoptees and adoptive parents can contact Post-Adoption Services for non-identifying background information about the birth family. If available, this would include details of the adoptee's history, including:

- Adoptee's birth history and early development
- Physical description of birth parents, extended family
- Health information
- Religion
- Occupation
- Education
- Particular interests
- Circumstances regarding the plan of adoption

# CURRENT POST-ADOPTION PROCESS

## Non-Identifying Background Information (continued):

- ⦿ Does not include identifying information such as names, dates of birth, or addresses of birth family members
- ⦿ The information may be limited and not current
- ⦿ Birth parents can also receive some background information including:
  - confirmation of an adoption
  - the jurisdiction in which the child's adoption took place
  - if available, the child's progress when being prepared for adoption

# CURRENT POST-ADOPTION PROCESS

## Reciprocal Search Register

- Reciprocal Search Register is a system where people who were affected by an adoption can register their willingness to exchange updated information and/or to have potential contact with each other.
- If there is a match identified, the possibility of a reunion would be explored. A reunion would not occur without the mutual consent of both parties.
- If the match does not involve a birth parent, the probable or stated wishes of the birth parent would be considered before a reunion could be arranged.

# CURRENT POST-ADOPTION PROCESS

## Reciprocal Search Register (continued)

Those who may ask to have their name placed on the Register include:

- adoptees (those over 18 years of age);
- birth parents (birth mothers, birth fathers);
- birth family members (sisters, brothers etc.);
- adoptive parents; significant others

# CURRENT POST-ADOPTION PROCESS

## Active Search Register

- Only adoptees over the age of 18 may request that a search be conducted for their birth mother, birth father, or birth sibling(s). Searches will be undertaken for birth fathers only if paternity was acknowledged or confirmed by the birth mother.
- If the person being sought is located and agrees to a reunion, it will be arranged.
- If the person being sought is deceased, identifying information will be provided unless it is believed that significant harm would result.



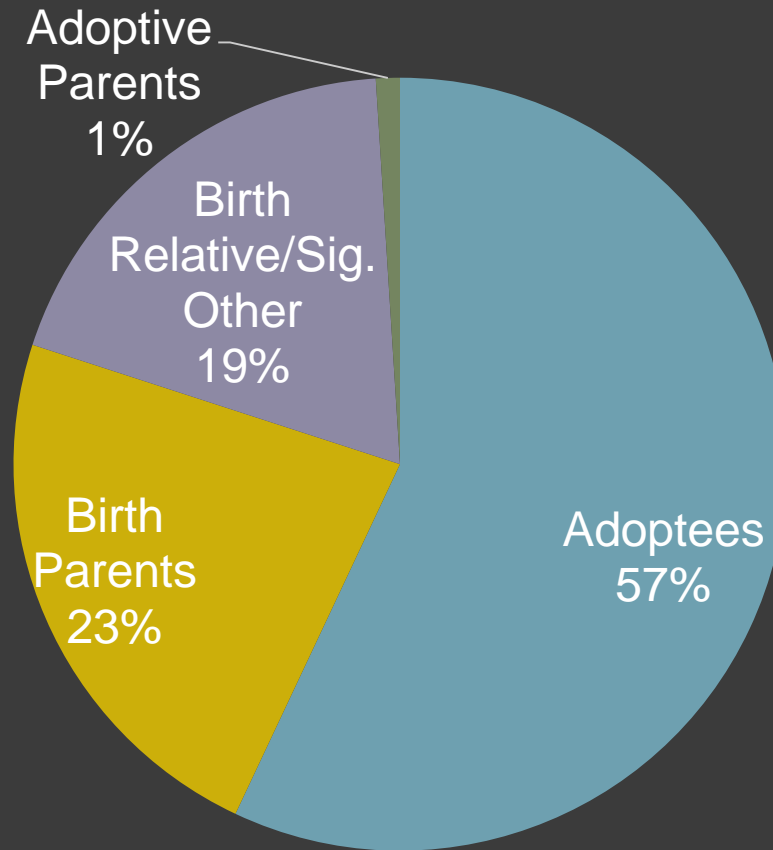
# CURRENT POST-ADOPTION PROCESS

## Active Search Register (continued)

- ⦿ Contact may be made with extended birth family members at the request of the adoptee.
- ⦿ A special search may be requested by adoptive parents or adult adoptees to acquire medical information for the diagnosis or treatment of a serious medical condition.

# CURRENT POST-ADOPTION PROCESS

## Applications Received



# WHY DO PEOPLE APPLY?

## Motivation for Adopted Person

Some examples:

- Curiosity
- Health issues – a need to know their genetic history for themselves and for their children
- Identity / self understanding
- Connection
- “Missing Piece” – “I feel like a part of me is missing”

# WHY DO PEOPLE APPLY?

## Motivation for Birth Parents

Some examples:

- To check on the well being of the adoptee
- To be reassured they made the right decision or to explain circumstances
- To confront their pain based on a need to move on
- To share health information
- The need to seek out a relationship with the adult adoptee.

# WHAT IS AN OPEN ADOPTION RECORD?

## Adult Adoptees

Refers to the adult adoptee's ability to access information contained on their original birth registration which would include:

- given name at birth; and,
- identity of birth parent(s).

## Birth Parents

Refers to the birth parent's ability to access the name given to the child, at the time of adoption finalization, when that child reaches adulthood.

**Thank you!**