

BACKGROUND

Adoption in Prince Edward Island



- Adoption is a legal proceeding that creates a parent-child relationship, which is recognized by law.
- Adoption in Prince Edward Island is governed by the *Adoption Act* and the *Intercountry Adoption Act* (Hague Convention). These Acts provide the mandate for work at Adoption Services within the Department of Family and Human Services.
- Prince Edward Island has maintained adoption records for approximately 100 years. The *Adoption Act* states adoption records are sealed, meaning that the identities of adopted children, birth parents and adoptive parents cannot be released without consent.
- There are three categories of adoption in Prince Edward Island:
 - Intercountry Adoption – An Intercountry Adoption requires the prospective adoptive parents to contract with an authorized social worker in the private sector to complete their home study and contract with a private adoption agency within Canada to facilitate the adoption of a child from another country. These adoptions would be finalized in the child's country of origin.
 - Private Adoption - A Private Adoption is arranged by a Licensed Adoption provider and is usually an open adoption, meaning the birth parents and the adoptive parents are known to one another.
 - Departmental Adoption – A Departmental Adoption occurs when a child in the permanent care of the Director of Child Protection is placed with an approved adoptive family and is usually a closed adoption, meaning the birth parents and the adoptive parents are not known to one another.
- Management of adoption records are guided by two pieces of legislation including the *Adoption Act* and the *Vital Statistics Act*.

- The Vital Statistics office keeps a record of all adoptions on Prince Edward Island in the Adopted Children Register. The information in the Register is confidential and cannot be disclosed unless ordered by the court or as set out in the *Adoption Act*.
- A certified copy of the Adoption Order is provided by the court, to the Director of Vital Statistics. Vital Statistics is responsible for making an 'adopted' notation on the original registration of birth and ensuring the records remain secure and confidential.
- Recent statistics on adoptions finalized in Prince Edward Island include:

Fiscal Year (April 1- March 31)	Private Adoptions	Departmental Adoptions	Intercountry Adoptions	Total Court Finalized Adoptions
2013/2014	10	Less than 10	Less than 10	21
2014/2015	Less than 10	Less than 10	Less than 10	15
2015/2016	Less than 10	Less than 10	Less than 10	17
2016/2017	Less than 10	10	Less than 10	15
2017 /Jan. 2018	Less than 10	Less than 10	Less than 10	14
* Total court finalized adoptions would include intercountry adoptions that were finalized in a court in the country of origin i.e. not finalized within a PEI court.				

- Domestic adoptions, both private and departmental, are significantly higher than the number of intercountry adoptions.
- Post-Adoption Services was established in 1993:
 - Can be provided to adult adoptees and birth parents as mandated under the *Adoption Act* provided the adoption was legally finalized in Prince Edward Island.
 - Adult adoptees can apply for background information about their adoption and/or a potential search for contact with birth family.
 - Birth parents can apply for general information about their child's adoption and can register their willingness to exchange updated information and/or to have potential contact with an adult adoptee who has registered with the program.

- Adoptive parents can only apply for their adopted child's background history.
- Post Adoption Services as of January 2018:
 - Total Number of Applications received since 1993: 1296
 - 736 Adoptee applications (57%)
 - 304 Birth Parent Applications (23%)
 - 244 Birth Relative/Significant Other (19%)
 - 12 Adoptive Parent Applications (1%)
- Attitudes about adoption are evolving and an increasing number of Islanders have expressed an interest in greater access to their identifying adoption information.
- Jurisdictions in Canada with open adoption records permit:
 - Adult adoptees to access identifying information contained on their original birth registration including 1) Birth name; 2) Identity of birth parents.
 - Birth parents to access the name of the adult adoptee previously placed for adoption.
 - Adult adoptees or birth parents to request that their identity not be disclosed.
- In November 2017 government announced it would facilitate public discussion on whether or not the PEI *Adoption Act* should be amended to allow for open adoption records.
- In December 2017, Patsy MacLean, HR Atlantic, was asked to chair an Advisory Committee with representatives from Child & Family Services, Vital Statistics and the Mi'kmaq Confederacy of Prince Edward Island (MCPEI). Recognizing the sensitivities to the three parties to an adoption, namely the adult adoptee, birth parent and adoptive parent, the role of the Advisory Committee is to facilitate an inclusive and respectful partner and public engagement process to ensure all voices are heard.

- A final report, with recommendations based on themes identified throughout the facilitated discussions, will be provided to government in June 2018 for consideration of open adoption records on PEI.
- Members of the Advisory Committee:
 - Patsy MacLean, HR Atlantic / Chair
 - Matt Bourque, Post-Adoption Services Consultant
 - June McKinnon, Provincial Adoption Coordinator
 - Rona Smith, Director Child & Family Services
 - Wendy McCourt, Director of Child Protection
 - Marilyn LeFrank, Director of Child & Family Services, MCPEI
 - Kelly Peck, Practice Analyst, Family and Human Services
 - Adam Peters, Manager, Vital Statistics
 - Darlene Gillis, Senior Communications Officer
 - Penny Woodgate, Administrative Assistant

The Adoption Act Review Advisory Committee will host public consultations across the province in February and March 2018. Individuals and groups can also provide input to the review through a private and confidential meeting or written submission.

Visit www.princeedwardisland.ca/adoption-act-review for more information.

Please use the guiding questions below to make a written submission by March 31, 2018 to:

Adoption Act Review Advisory Committee
c/o HR Atlantic
Brecken Building
1 Harbourside Drive,
Charlottetown, PE C1A 8R4
Email: adoptionactreview@hratlantic.ca

Guiding Questions

- 1) What would be the benefits of opening adoption records for:
 - Adult adoptees
 - Birth parents
 - Adoptive parents

- 2) What would be the benefits of maintaining closed adoption records for:
 - Adult adoptees
 - Birth parents
 - Adoptive parents

- 3) What would be the challenges of opening adoption records for:
 - Adult adoptees
 - Birth parents
 - Adoptive parents

- 4) What would be the challenges of maintaining closed adoption records for:
 - Adult adoptees
 - Birth parents
 - Adoptive parents

- 5) Should the adult adoptee or birth parent be able to protect their identity from being disclosed in certain circumstances? Please Explain.

- 6) Do you have suggestions for changes to the *Adoption Act*?

- 7) Any other comments?

For more information, visit www.princeedwardisland.ca/adoption-act-review or to book a private consultation session, call the Department of Family and Human Services at (902) 368-5294