



Community Legal Information Association of Prince Edward Island, Inc.

Young Single Parent Information Kit Adoption

If you are a young person facing an unplanned pregnancy, you may want to consider several options. Adoption may be one area in which you need more information. In this pamphlet, we will explain some of the information about adoption and what you will experience if you choose or consider adoption for your child.

The first time you hear adoption mentioned might be at school, through Public Health nurses, through your doctor, or through other groups like Birthright. Adoption is a legal process that establishes new parent-child relationships - the adopted child becomes the legal child of the adoptive parents and is no longer the legal child of his or her birth parents.

It is against the law for anyone to pressure you about, force you into, or pay you for, adopting your child. It is important to remember that while you are still in hospital after the birth of your baby, you are the legal parent(s) of your child and you have the same rights as any other parents. The hospital staff cannot keep your baby from you, nor can they allow the possible adoptive parents to see your baby without your permission.

The best way to get information about adoption is to call Adoption Services (902-368-6511). They can give you information about your choices and next steps. You will not be pressured to choose adoption.

In all adoptions, the first consideration is the best interests of the child. If an individual or a couple has applied to adopt, they are carefully assessed to make sure they are capable and will make good parents for the child. Some birth parents play a part in selecting the family for the child. The baby is placed in an adoptive family for a period of time and an adoption social worker is involved during this time to make sure the child is well cared for and the new family relationships are positive. This trial period is called a “placement”. After the placement, there is a court hearing to finalize the adoption and grant the Adoption Order. This usually takes place about six months after the baby moves in with the adoptive parents. After the Adoption Order is granted by the Court, there are no further checks on the new family. They are then treated as any other family in PEI.

Adoptions may take many forms:

- adoption by relatives of either birthparent

- adoption of a child who has been made a permanent ward after a child protection hearing
- adoption by a step-parent
- adoption by non-relative

You can arrange for your child to be adopted several ways:

- through an agreement with the Director of Child Welfare under the *Adoption Act*
- through a licensed private adoption agent
- through a permit issued directly to birth parents by the Director of Child Welfare (for relative adoptions only)

The method you use depends on the type of adoption that is taking place. Each is slightly different.

The law says that you, as birth parents, must receive counselling before signing any forms allowing the adoption. The law also states that your decision must be made with:

- clear information
- full awareness of the implications (you must know what adoption means)
- careful consideration
- the benefit of knowledgeable guidance

The person who acts as your counsellor is a social worker trained in adoption. He or she must:

- be certain that you are not being forced or pressured to choose adoption
- be sure that you have looked at all the options and understand what adoption means
- provide you with psychological support
- witness the signing of the Consent to Placement or the Voluntary Temporary Care Agreement.

If you have made a plan of adoption through Health and Social Services, you sign a Voluntary Temporary Care Agreement in hospital after your baby is born. Fourteen days after the birth, you sign an Agreement for Permanent Custody and Guardianship for Purposes of Adoption. You can change your mind within 14 days after signing this Agreement.

If you have made a plan of adoption through a licensed adoption agent or through a permit issued by the Director of Child Welfare, you must sign the Consent to Placement after the baby is born before the adoptive parents can receive the baby. With this form you give permission to place your baby in the home of potential adoptive parents. The Consent to Adoption forms give permission to adopt your baby and are signed 14 days after the birth of your baby. You can change your mind within 14 days of signing the Consent to Adoption.

Birth parents are encouraged to get legal advice before signing any of the forms.

If you are unsure about your decision or don't feel ready to sign papers, a waiting period can be requested. You can ask to have your baby placed in a temporary foster home while

you give more thought to the issue and make a decision. You can also make private arrangements for your baby's care while you make up your mind. It is important to realize that these arrangements can become complicated if a clear plan is not made in a reasonable period of time. This issue needs to be discussed carefully with your social worker.

Efforts are made to ensure that both birth parents agree with the plan of adoption for their child. Sometimes it is possible to get the court to say that permission of both birth parents is not required, and this is granted in some circumstances. It is important to recognize that both birth parents have rights and may choose to exercise them, so counseling is provided and permission sought from both birth parents for the plan of adoption to proceed.

The law in PEI allows adoptions to be open or closed. In a closed adoption, there is no ongoing exchange of information or contact between the birth parents and the adoptive parents. In an open adoption, some degree of ongoing contact and exchange of information is agreed to by the birth parents and the adoptive parents. This can be a formal or informal agreement. If you wish to consider an agreement for open adoption, you need to discuss this with your social worker or licensed adoption agent. It is more complicated and everyone needs to be comfortable with the terms of the agreement.

Some adoptive parents are willing to agree to this, and some are not.

Adoption by Relatives

Birth parents may wish to make a plan of adoption with a relative. These are usually open adoptions because the family members know each other and often have ongoing contact it is very important to work out the details of this ahead of time so later conflict is less likely. Mediators can sit down with you and the adoptive parents to work out solutions to conflicts if they arise. Call CLIA, Adoption Services, or check the yellow pages for lists of mediators.

Relative adoptions are done through a permit issued by the Director of Child Welfare. Any private lawyer can do the legal work. Counselling for the birthparent(s) is required. An assessment of the proposed adoptive home must be completed to be sure there is no risk to your child. Background information on your child and both birth parents, if available, is prepared and given to the adoptive parents and Health and Social Services.

Your child is then placed in the home of the relatives with a plan to proceed with the adoption if all goes well.

Call Adoption Services at 368-6511, if you want to apply for a permit, if you want to get a list of licensed agencies and adoption agents, or if you want more information.

Adoption of a child who is a permanent ward of the Director of Child Welfare

It is the duty of Child and Family Services to make sure that children are cared for and protected. A child who is not properly cared for is considered to be "a child in need of protection". If you are in this situation, Child and Family Services will try to develop a plan to help you provide a good home for your child. If these efforts fail, a judge may decide that you are unable, at this point in time, to meet the needs of your child.

Permanent custody of the child may be given to the Director of Child Welfare. This is called making the child a permanent ward.

An investigation and a child protection hearing take place before this happens. If your child becomes a permanent ward, a plan will be developed that must be in the child's best interests. Adoption is one of the possibilities that is looked at. These adoptions are arranged through Health and Social Services. Couples, or families who want to adopt, apply to the adoption program. They are thoroughly assessed and prepared for adoption before the placement.

These are the only adoptions that are not voluntary and do not require the permission of either birthparent. Counselling and independent legal advice are not required for either birthparent, though you may choose to get both if you wish.

Though not required, it is a good idea to speak with a lawyer if you find yourself in this situation. You may be able to use Legal Aid (368-6043 in Charlottetown or 888-8219 in Summerside). You can use the Lawyer Referral Service to meet with a lawyer for 30 minutes for \$10. + tax (892-0853 or 1-800-240-9798).

Voluntary Adoption by non-relatives

These adoptions may be arranged by Health and Social Services or by a licensed adoption agent. Your first contact for information can be made by calling Adoption Services.

Adoption Services can give you the names of adoption agents in PEI or the contact person in your Health Region.

Counselling is required in these adoptions. It is best if both birth parents receive counseling and agree with the plan of adoption your child.

Potential adoptive homes are assessed to make sure your child will be safe and that the home is suitable. Before your child is placed in a home, you can receive information about the home. You must also give background medical information which is shared with the adoptive family to help in raising the child and to help in answering your child's questions about his or her birth family. At any point in this process, either you or the adoptive parent may decide not to go ahead with the adoption.

Your counsellor or lawyer will be present to help you at meetings during which forms are signed and procedures are carried out. The counsellor or lawyer will explain what is being agreed to, will help you sort out your feelings and make decisions, and will make certain that you are not being pressured into something you aren't sure about.

During this process, the terms of an open adoption can be negotiated and written down in a legal document.

The Consent to Adoption or the Voluntary Agreement of Permanent Custody and Guardianship for Purposes of Adoption is signed 14 days (or longer) after the birth of your baby. Legal advice is recommended at this stage. Once the Consent to Adoption is signed, you have 14 days to change your mind about the adoption. The Adoption Order, which makes the adoption final, is not granted until at least 6 months after the placement.

Step-parent Adoptions

If your child remains with you and you later marry a person who is not your child's biological parent, your spouse becomes eligible to adopt your child. The permission of the other birthparent may be required for this. If the other birthparent is not known or has never been involved in your child's life, the judge may say that consent is not necessary.

You and your spouse would need to have a lawyer begin the process. A Social Worker must visit your home to prepare a Pre-Hearing Study for Court. A court hearing is held.

Your child's wishes may be taken into consideration, depending on his or her age.

Post-Adoption Services

In all types of adoption, you or your child, or other birth relatives can contact Post Adoption Services (368-6511) when the adoptee reaches the age of 18. Information will not be given that will allow you to identify each other unless the involved parties agree to this. If both of you want to meet, this can be arranged through Post Adoption Services.

For more information about adoption, call Adoption Services at 368-6511. Even if you decide against adoption, it is important to be informed about the different choices available to you. It may help you become clearer about what you want for yourself and your child. Informed decisions have the best chance of being good decisions.

This pamphlet contains general information about the law. It is not a complete statement of the law in this area and is not a substitute for legal advice. To receive legal advice, you need to speak to a lawyer.

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CLIA provides Islanders with understandable and useful information about the law and the justice system in PEI.

For more information, call CLIA at 892-0853 or 1-800-240-9798

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