



GUIDE FOR THE ADOPTION

of a **Child** Domiciled **Outside Québec**

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The information in this publication has no legal value.

The term “adoptive parent” means an individual who adopts a child
on his or her own or an individual in a couple that adopts a child.

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FOREWORD

"The States signatory to the present Convention,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Recalling that each State should take, as a matter of priority, appropriate measures to enable the child to remain in the care of his or her family of origin,

Recognizing that international adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her State of origin,

Convinced of the necessity to take measures to ensure that international adoptions are made in the best interests of the child and with respect for his or her fundamental rights, and to prevent the abduction, the sale of, or traffic in children,

Desiring to establish common provisions to this effect, taking into account the principles set forth in international instruments, in particular the United Nations Convention on the Rights of the Child, of 20 November 1989, and the United Nations Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly Resolution 41/85, of 3 December 1986),

Have agreed upon the following provisions ..."

*Preamble of the Hague Convention on Protection of children
and Co-operation in respect of Intercountry Adoption, 1993*

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INTRODUCTION



The child: the heart of the adoption process

For every child born here, wanted and loved, hundreds of children around the world are abandoned at birth. But regardless of the circumstances of their birth, all children are entitled to affection, healthy development and a loving family that wants them. Every year, some 800 parents in Québec have the privilege of taking in young children from about 20 countries. What can be termed the miracle of love occurs time and again on a small scale, filling these children's hearts with immeasurable well-being.

Planning to adopt a child born in a foreign country is a serious matter that involves myriad considerations. Every person involved in the various stages of the plan must act in the best interests of the child and in respect of his or her fundamental rights and needs.

The purpose of this guide is to give you some food for thought and general information on international adoption. The guide is for people considering adopting a child abroad and those interested in the subject of international adoption. Visit the Website of the Secrétariat à l'adoption internationale (www.adoption.gouv.qc.ca) for more information.

The Secrétariat à l'adoption internationale team

SECRÉTARIAT À L'ADOPTION INTERNATIONALE

Mandate

Within the meaning of the *Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption* of May 29, 1993,¹ the Minister of Health and Social Services is Québec's central authority for international adoptions. The Secrétariat à l'adoption internationale (SAI) performs the functions of a central authority for Québec on behalf of the Minister of Health and Social Services.

Specifically, the SAI:

- coordinates international adoption activities in Québec in the best interests of the children in keeping with their fundamental rights;
- assists and counsels individuals and families who plan to adopt a child domiciled outside Québec and ensures that their adoption plans comply with standards;
- ensures administrative follow-up of the Hague Convention of May 29, 1993 and supports the Minister of Health and Social Services in his role as central authority;
- makes recommendations to the Minister of Health and Social Services with respect to the certification of the agencies that handle international adoptions;
- counsels and supports certified agencies, and monitors their activities;
- ensures compliance with Québec legislation and guidelines, and rules of ethics concerning international adoptions;
- ensures that all the requirements are satisfied for each adoption;
- advises the authorities of the ministère de la Santé et des Services sociaux in matters of international adoption;
- establishes working relations with foreign authorities in charge of adoption and international adoption agreements in keeping with their legislation and culture.

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Administrative organization

On May 25, 1982, the Québec government created the Secrétariat à l'adoption. Under the authority of the Deputy Minister of Social Affairs, it had a two-year mandate to find permanent, effective solutions to the problems related to adoption. Two years later, its mandate was renewed and the organization became entirely responsible for international adoption. In the mid-1980s, the Secrétariat à l'adoption officially became the Secrétariat à l'adoption internationale (SAI).

Under the authority of the Assistant Deputy Minister for Social Services since 2004, the SAI is headed by the International Adoption Secretary and Director General. The SAI's daily activities include administration, advice for the potential adoptive parent, the processing of international adoption files and records, and the handling of searches for family and medical histories, and international reunions.

Values

The SAI's daily actions are guided by three values: **probity** (fairness, honesty, integrity, rectitude), **loyalty** (dedication to its mission and mandate) and **humanism** (respect and personal development). It places receptiveness, courtesy, empathy, availability and objectivity at the heart of its daily activities with its clientele, which is composed mainly of adoptive parents.

1 Also referred to herein as the Hague Convention of May 29, 1993.

HISTORICAL OVERVIEW²

Adoption has existed since ancient times. The practice of adoption, which is described as an ancestral, universal institution, has reportedly been traced to various cultures, such as African tribes and the Inuit.

In Ancient Rome, childless men adopted in order to have an heir and thus prevent the extinction of their family lines. Nero and Tiberius allegedly adopted for that reason.

In the Middle Ages, children who were abandoned or could no longer be cared for were shown in public places in the hope that someone would take them in, whatever that person's motive. Newborn children were abandoned at the hospital and midwives would leave them at a hospice. Then the church cared for orphans and abandoned children. That was when hospices, crèches and orphanages appeared. A tower of desertion could be used to preserve the anonymity of the act of abandonment. The baby was placed in a device on the façade of the hospice, which worked like a rotary gate. The people in charge of the hospice received the child "on the other side", and provided care and nourishment. As of the mid-19th century, the authorities took measures to support mothers and children in order to curb the increasing number of child abandonments. The view that children were beings without interest or cheap labour for domestic, farm or factory work changed. Child welfare services were developed, and children took on non-commercial value. The living conditions of orphans and abandoned children were increasingly criticized, and there was an effort to develop more adequate health and child welfare services.

Over the course of the 20th century, further to the structuring of child welfare and social services, the drop in the fertility rate in developed countries, the exponential development of global communications, and the increase in social awareness of abandoned children and children without families, adoption, initially local, expanded to international proportions.

The Second World War

International adoption developed in the middle of the 20th century. The Second World War left thousands of children orphaned and homeless. They came from Germany, Italy, Greece, Japan and China, which were cauldrons and theatres of interstate and internecine conflicts. Most of these children were entrusted to American families, and many were sent to Canada, Australia and Europe. Adopting these children was a humanitarian response to the situation of war orphans.

The Korean and Vietnam wars

In the 1950s, the Korean War spawned a new generation of abandoned and orphaned children. Many found homes abroad. A few years later, a repeat of the situation occurred with the Vietnam War. Specialized private international adoption agencies were created in the wake of a new wave of international adoptions.

The 1960s: Creation of the North-South axis of international adoption

In the late 1960s, international adoption was mainly an intra-European phenomenon. It subsequently spread to worldwide proportions, as a result of the industrial world's solidarity with the Third World. The North wanted to alleviate its feelings of guilt for the abundance in which it lived by "rescuing" thousands of abandoned children. The North-South axis of international adoption was thus created (children from Latin America and Asia were placed in the United States and Europe), transferring children from poor countries to wealthy countries.

Break-up of the USSR: Creation of the East-West axis of international adoption

In the early 1990s, further to the break-up of the USSR, the creation of new States in eastern Europe and the transition to a market economy, international adoptions began to flow along the new East-West axis, as well as the traditional North-South axis.

2 Isabelle Cogliati, *Adoption internationale et respect de l'enfant*, Centre d'étude rémois des relations internationales.

J.H.A. Van Loon, *Rapport sur l'adoption d'enfants originaires de l'étranger*, Hague Conference on Private International Law, April 1990, pp. 29-35.

Unicef, *Intercountry Adoption*, Innocenti Digest, December 1998.

The early 21st century

The search for a child is no longer limited by geographic boundaries. This is explained by the shortage of children in wealthy countries, the fact that people in industrialized countries who are old enough to adopt are increasingly open to foreign countries and the fact that the development of means of communication has facilitated the globalization of exchanges and created an even greater interest in international adoption.

The international community is concerned with the problems of international adoption

The international community became concerned with international adoption in the mid-1950s. The initial principles governing international adoption were established in 1960, at a symposium in Switzerland staged by the European Office of the United Nations. In 1971, during a world conference on adoption and child placement held in Milan, Italy, international stakeholders became aware of the necessity of establishing controls to safeguard children's rights and best interests.

In the late 1970s, awareness of these principles was heightened further to the seemingly massive export of abandoned and orphaned children from underdeveloped countries to developed countries. Many emerging agencies and intermediaries used questionable means to satisfy the demand for children. Baby boomers had become adults, the social pressure to start a family was strong and adoption gained social acceptance. In 1982, the international community took an important step by recognizing standards of practice for the protection of children. Professionals from various countries endorsed the *Brighton Guidelines for Intercountry Adoption*, which International Social Services, among other non-governmental organizations, had been advocating. The guidelines for domestic and international adoption and child placement practices were subsequently revised and ratified in 1996, during the International Council on Social Welfare conference held in Hong Kong.

Prior to 1989, human rights standards were set out in pacts, conventions and declarations, and they applied to all family members. In 1989, the international community approved specific standards for children. As individuals, children gained a status equivalent to that of adults.

The thoughts and concerns of the international community since the middle of the 20th century were crystallized in two international conventions on the rights of children: the 1989 UN *Convention on the Rights of the Child* and the Hague Convention of May 29, 1993.

Contracting States are currently trying to develop the means to prevent the spread of commercial adoption. They want to keep international adoption from becoming a lucrative business far removed from the best interests of the child. Countries previously open to adoption have been known to close their doors or limit the number of adoptions in response to abuse or suspected abuse.

ESTABLISHED PRINCIPLES OF INTERNATIONAL ADOPTION

International adoption is based on principles recognized by the international community that require the contracting States to consider the rights of the child without discrimination or distinction of any kind. Should a child be entrusted to a public or private institution, or a judicial authority, his or her interests must be the main concern. The contracting States are responsible for the child's survival and future, and children capable of discernment have the right to express their opinion and be heard.

The child: the focus of concerns

Most nations recognize that children have rights, and that individuals are responsible for enforcing these rights. The 1989 United Nations *Convention on the Rights of the Child*, in force in Canada since 1992, recognizes that children here and abroad have the following rights:

- the right to a name;
- the right to a nationality;
- the right to be consulted or legally represented;
- the right to respect as a person;
- the right to food and shelter adapted to their needs;
- the right to health care and social services;
- the right to an education;
- the right to play and take part in recreational activities;
- the right to be protected.

The *Canadian Charter of Rights and Freedoms* and, in Québec, the *Civil Code of Québec* and the *Youth Protection Act* recognize that children have other rights, such as the right to parents who take care of them; the right to protection, security and attention; the right to be informed, heard and consulted; and the right to know their origins.

Under the Hague Convention of May 29, 1993, applied in Québec since February 1, 2006, children:

- have the right to grow up in a family environment, in an atmosphere of happiness, love and understanding;
- have the right to remain in the care of their family of origin.

Under the Convention, children have the right to expect that:

- their adoption by people residing outside their country of origin is in their best interests and respects their fundamental rights;
- measures are taken to prevent their abduction, sale, or traffic in any shape or form.

In matters of international adoption, the child is the focal point of the process and decisions that concern him or her. It is in this spirit that the SAJ, in accordance with the law and its international commitments, deals with potential adoptive parents and cooperates with the authorities of the contracting States on a daily basis.

A social and legal child protection measure

The child, not the adoptive parents' desire to have a child, is the focal point of the process leading to adoption. International adoption is a social and legal measure for the protection of the child. The child cannot be the subject of an arrangement between individuals or be entrusted to unqualified intermediaries, or intermediaries whose practices or motives seem questionable. International adoption files must therefore be handled by competent child protection authorities.

A subsidiary placement measure

International adoption is a subsidiary placement measure. In other words, it is considered solely after competent authorities have determined that it is impossible to keep the child in his or her family environment, community or country.

A measure considered in the best interests of the child, while respecting his or her fundamental rights

Any measure intended to protect the child is governed by the **best interests of the child** and respect for his or her fundamental rights. The child's moral, intellectual, emotional and physical needs, age, health, personality, family environment and other aspects are thus considered. The child has the right to grow up in a family environment, in an atmosphere of happiness, love and understanding, which promotes harmonious development of his or her personality. The child is also entitled to be informed and consulted about any life plan that concerns him or her, age and maturity permitting.

A permanent placement solution

It is important to give the child a **permanent solution** so that he or she can live in a stable socioaffective environment that all children need to develop and grow.

The adoptable child

The authorities must declare a child legally adoptable before national adoption can be considered and, should that solution not be feasible, international adoption can be considered. A child's adoptability is determined by his or her background and the legal texts applicable in the State of origin.



Suitability to adopt a child

The adoptive family must qualify and be recognized as capable of meeting the moral, intellectual, emotional and physical needs of a child on a permanent basis, in keeping with the child's age, health, personality, and family and social environment. It is for this reason that the potential adoptive parent must undergo a psychosocial assessment.

Profit, abuse, trafficking and sale

The child must not be a source of material or other gain under any circumstances or for anyone. The abuse, trafficking and sale of children violate human rights and must be denounced and prevented. In terms of international adoption, abuse translates into undue pressure on biological mothers who find themselves in precarious situations forcing them to give up their children for adoption, adoptions arranged prior to the birth of a child, kidnappings, arrangements with surrogate mothers, and unethical practices by unscrupulous individuals in order to obtain a child.

Assistance for children in situations of armed conflict or natural disasters

When a conflict or disaster strikes in an area of the world, the media provide us with emotionally-charged images of and news reports on abandoned children. These can set off a humanitarian impulse to take one of the children in. The office of the United Nations High Commissioner and other international organizations have introduced measures to protect and assist these children. Everything is first done to help them remain in their country and grow up in their culture of origin. The initial efforts are therefore directed towards the child's family or community members, in the hope of entrusting the child to one of them and making sure he or she will remain under that person's protection.

In situations of war and political conflict, there are inevitably children with no close family who are abandoned to their fate. As they are not necessarily orphans, international organizations use the term "unaccompanied children" to designate them. These are boys and girls under 18, separated from both their parents and not in the care of a tutor recognized as such by law or custom. The term "orphan" only applies to children whose mother and father are declared or known to be deceased.

International organizations in the field work to prevent separations and reunite children with their families as quickly as possible. They try to make sure the children receive the protection and assistance they need based on their age, sex and history, and to find a long-term solution for each child. Therefore, in an emergency situation, an unaccompanied child is not adoptable, at least in the short term. Efforts must first be made to trace family members. In general, a relatively long period of time must elapse before international adoption is considered.

The Office of the United Nations High Commissioner for Refugees specifies that adoption must not be considered:

1. if there is hope of tracing and reuniting family members in the child's best interests;
2. until a reasonable period (at least two years after the beginning of the search) has elapsed, during which time all possible efforts have been made to trace the parents or other surviving family members;
3. when it is against the wishes expressed by the child or close relatives;
4. where voluntary repatriation to the country of origin in optimal conditions of safety and dignity appears feasible in the near future, and would better provide for the psychosocial and cultural needs of the child than adoption in a foreign country.

International adoption is considered only once all these measures and precautions have been taken. Ultimately, it should only apply in a few exceptional cases.

Before an unaccompanied refugee can be adopted, an analysis must be made to determine if this is in the child's best interest. The conclusions are implemented in accordance with the laws in the child's country of origin, and with international law.

In a natural catastrophe, the international community agrees to advise against the displacement, even temporary, of children to other countries, near or far. Evacuating children or temporarily placing them with families in foreign countries is traumatic, and the disruption adds to the trauma they have already been through.

In the emergency phase, authorities in the country, and international and non-governmental organizations must first focus their efforts on providing basic protection to children (food and shelter; medical, emotional and psychological care; and education) close to their usual environment if possible, while bringing them together with other children or adults they know well. Efforts must also be made to reunite each child with a relative (a parent or a member of the extended family) as quickly as possible so he or she can stay with that person.

In general, when conflict strikes in a part of the world, or a natural disaster devastates areas, the processing of adoption files there is temporarily suspended or slowed, depending on the circumstances. Government authorities may decide to temporarily suspend the processing of international adoption files. The States usually exchange information in order to inform as best they can the potential adoptive parents who filed an application in that country.

Children separated from their families in emergency situations or in the turmoil of conflict must be cared for until they can be reunited with their families or placed with a local foster family, or until another permanent solution can be found. Each case must be properly monitored by people with recognized authority.

LEGAL FRAMEWORK

In matters of international adoption, the general rules are set by the *Civil Code of Québec* and the *Code of Civil Procedure of Québec*. These rules are further clarified by the *Youth Protection Act*. Then there are orders, the Hague Convention of May 29, 1993 and the *Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption* (Bill 3), which adds rules for certain types of adoption.

References

➤ *Civil Code of Québec*

The *Civil Code of Québec* sets the conditions for the adoption of a child domiciled outside Québec. The potential adoptive parent must:

1. be domiciled in Québec;
2. be of full age;
3. be 18 years older than the adopted child;
4. undergo a psychosocial assessment.

The *Civil Code of Québec* also specifies that adoption arrangements must be made by an agency certified by the Minister of Health and Social Services. If that rule is not abided by, the criteria and conditions set out in the *Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec* must be met.

The Civil Code also covers the effects of the adoption of a child domiciled outside Québec. All adoptions are plenary. A new bond of filiation is created, with the result that the child no longer belongs to his or her original family. Consent to adoption is therefore required in Québec.

➤ *Code of Civil Procedure*

The Youth Division of the Court of Québec has jurisdiction to decide adoption matters. The procedures brought before this court are governed by the *Code of Civil Procedure*.

➤ *Youth Protection Act*

Under the *Youth Protection Act*, the Minister of Health and Social Services, through the SAI, is involved in all adoptions of children domiciled outside Québec. He keeps adoption files and handles searches for family and medical histories, and reunions. Once a child is proposed to a potential adoptive parent, the adoption cannot be carried through until the SAI, on behalf of the Minister, issues a written statement to the effect that it has no grounds for objection.

This Act also deals with the psychosocial assessment made by the Director of Youth Protection or any other person designated by him. Where the child is domiciled in a State that is not a party to the Hague Convention of May 29, 1993, and provided the State decides in favour of the adoption, the Act stipulates that the psychosocial assessment may also be made by a member of the *Ordre des psychologues du Québec* or the *Ordre professionnel des travailleurs sociaux du Québec*.

It also covers the issuance, renewal, suspension or revocation of the certification of international adoption agencies.

Furthermore, the *Youth Protection Act* contains penal provisions that apply to people who break the law. The Act provides for a fine of \$1000 to \$200 000 for any person who:

- hinders an inspector or gives the inspector false information;
- gives, receives, offers or agrees to give or receive, directly or indirectly, a payment or benefit either for giving or obtaining a consent to adoption, for finding a placement or contributing to the placement of a child with a view to adoption;
- causes a child to enter or contributes towards a child's entry into Québec with a view to adoption, contrary to the procedures provided for under the Act;
- falsely represents himself or herself as an agency certified by the Minister of Health and Social Services.

➤ Hague Convention of May 29, 1993

The Hague Convention of May 29, 1993 has been in force in Canada since April 1, 1997. As adoption falls within the jurisdiction of the provinces and territories, the latter remain responsible for the application of the Convention within their respective legal systems. Each province and territory must therefore pass implementing legislation. Québec did so on February 1, 2006.

This Convention protects children and their families from the risks of illegal, irregular, premature or ill-prepared foreign adoptions. Its goal is to have member States agree on common rules and principles so that an adoption taking place between two signatory States can be recognized by operation of law. It creates a cooperative regime between the contracting States.

Pursuant to Article 17 of the Convention, the decision to entrust a child to an adoptive parent in Québec is made only once the authorities in the State of origin and the receiving State (the SAI in Québec) have agreed that the adoption may proceed. Under Article 23, in order for the adoption to be recognized by operation of law in Québec, the competent authority of the State of origin must certify that it is in accordance with the Convention.

According to the Hague Convention of May 29, 1993, an international adoption is feasible provided the following conditions are met:

- The child is adoptable.
- It has been determined, after possibilities for the child's placement within the State of origin have been given due consideration, that international adoption is in the child's best interests.
- The persons whose consent is necessary for adoption have been counselled as necessary, and duly informed of the effects of their consent.
- Consent has been given freely in the required legal form without compensation of any kind.
- The mother gave her consent after the birth of the child.
- Having regard to the age and degree of maturity of the child, he or she has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption.
- The adoptive parents are eligible and suited to adopt a child.
- The central authorities of the country of origin and the receiving country consent to the adoption.
- The child is authorized to enter and reside permanently in the receiving State.

(Articles 4 and 5)

➤ *Act to implement the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption and to amend various legislative provisions in relation to adoption*

This Act, assented to on April 22, 2004 by the National Assembly, incorporates the main international principles of adoption and amends Québec's legal framework in order to better define the roles and responsibilities of the authorities in charge of international adoption in Québec (the Minister of Health and Social Services, Directors of Youth Protection, certified agencies, and members of professional orders who carry out psychosocial assessments). This Act also relaxes the procedure for adoptions arranged between States that are parties to the Hague Convention of May 29, 1993.

➤ Orders

• *Order respecting the certification of intercountry adoption bodies*

This order sets out the conditions and qualifications for obtaining international adoption certification, the obligations of certified agencies, the conditions for renewal of certification, and the list of offences that may lead the Minister of Health and Social Services to suspend, revoke or refuse to renew certification.

• *Order respecting the adoption without a certified body of a child domiciled outside Québec by a person domiciled in Québec*

Only persons who meet the criteria and conditions set out in the order may make arrangements for the adoption of a child domiciled outside Québec without the assistance of a certified agency.

An individual who plans to adopt a child without the assistance of a certified body must first contact the SAI in order to present his project of adoption. The SAI verifies the admissibility of the project in accordance with the existing legislation in Québec and in the country of origin and in accordance with politics and practices in the country of origin and the report of a situation.

Adoption without the assistance of a certified agency

- 1 Adoption of a child who is a relative provided for in the Order.
- 2 Adoption in a country of which the adoptive parent is or was a national.
- 3 Adoption in exceptional circumstances and for humanitarian considerations.
- 4 Adoption of a child placed in the care of a competent public child protection or adoption authority in a Canadian province or territory.

When an application is submitted to the SAI, the adoption plan is analysed based on an assessment of the situation. The person must demonstrate that he or she has been in contact with the child, that the child has a handicap or special biological characteristics, that his or her life is in danger, or that he or she had been in the person's care for at least six months. The goal is not to initiate a search for a child who meets the above criteria, but to bring together an adult and a child who have already established an emotional bond.

The order also provides for the specific situations in which the Minister may assist the potential adoptive parent with the arrangements, and lists the terms and conditions of an adoption without assistance from a certified agency.

Rules relating to the country of origin

The child's country of origin sets the rules relating to consent and adoptability, as well as the prerequisites that apply to the potential adoptive parents, such as their age, the age difference with the child to be adopted, their civil status and health, and the number of children in the family.

As the criteria vary from one country to another, it is important to be aware of the conditions in order to comply with them and avoid disappointment.

Confidentiality of adoption files

Child adoption files are confidential. The information they contain cannot be disclosed, unless provided for by law. The SAI makes sure the certified agencies keep their adoption files secure, and that they ensure confidentiality and the protection of personal information by establishing internal procedures for constituting adoption files and protecting personal information.

Certified agencies are legally bound to transfer their files to the SAI when they cease being certified, within two years after the child arrives in Québec, or an adoption plan is abandoned. The adoption files are closed, archived and digitized by the SAI.

Searches for family and medical histories, and international reunions

Québec law recognizes that adopted children are entitled to information on their background, and that they may want to take steps to reunite with their biological families. The conditions for exercising this right are set out in the *Civil Code of Québec* and the *Youth Protection Act*. In such situations, the SAI and certified agencies cooperate to help adopted children find the information they need.

CERTIFIED AGENCIES

In Québec, only Québec agencies that hold a certificate issued by the Minister of Health and Social Services are authorized to work in the field of international adoptions, in the territory or territories for which they are certified.

Role

A certified agency takes steps, on behalf of potential adoptive parents domiciled in Québec, for the adoption of children domiciled outside Québec. The agency must have good knowledge of the territory or territories for which it is certified, and be aware of legal and procedural obligations, as well as sociocultural practices and constraints.

The certified agency helps a potential adoptive parent prepare the adoption file and submits it to the child's country of origin. It serves as an intermediary between the child's country of origin and the potential adoptive parent at the time of the adoption proposal and the trip abroad. It also takes the administrative and legal steps to obtain a decision granting an adoption. The people in charge of the



A list of certified agencies is published by the Secrétariat à l'adoption internationale once a year. It is available at:

www.adoption.gouv.qc.ca

agency must establish and maintain harmonious working relationships with the authorities in charge of the adoption and the resource persons involved.

Some certified agencies are also involved in social projects abroad. They help improve the living conditions in orphanages by supporting projects that benefit the entire community.

Certification

To qualify for international adoption certification, an agency must be legally constituted in Québec for non-profit purposes and have a mission to defend children's rights, promote their interests or improve their living conditions. It must also be managed and run by people who are domiciled in Québec and are Canadian citizens or permanent residents. These people must not carry on any activities inconsistent with international adoption. The agency must have a trust account and declare it is bound by ethical principles and rules of conduct. It must also comply with the legal provisions relating to the protection of personal information.

The Minister of Health and Social Services issues certification on the SAI's recommendation. A certificate is issued for one country at a time and may include conditions or restrictions. Issued for an initial two-year period, it may be renewed for a period of three years or a shorter period, depending on the circumstances.

Mandatory services

The certified agency must provide the following minimum services to a potential adoptive parent:

- inform a potential adoptive parent of the services offered, the conditions for adoption in the State of origin, the profile of the children proposed for adoption, the adoption procedure, the documents required by the State of origin and the support services available in Québec after the child's arrival here;
- inform a potential adoptive parent of any change likely to have an impact on the way the adoption plan is to proceed;
- ensure that the file of the potential adoptive parent is complete and that the adoption plan complies with the recommendations contained in the psychosocial assessment;
- oversee the adoption process;
- inform the potential adoptive parent of the procedures after the child arrives in Québec, such as the judicial procedure and the application for citizenship, and conduct follow-up;
- monitor the transmission of the child's progress reports in accordance with the requirements of the State of origin;
- collaborate in searches for family and medical histories and in reunions.

COSTS OF INTERNATIONAL ADOPTION

It is permitted to charge reasonable expenses and fees, and allow for the legitimate costs of an international adoption. However, deriving improper financial or other gain, or unreasonably high remuneration is prohibited.

Several factors influence the costs related to international adoptions. Here are a few:

- the fees charged by government authorities for the issuance of acts of birth or marriage;
- passport fees;
- fees for a medical certificate;
- the cost related to the psychosocial assessment;
- the costs of travel and accommodation in the country of origin (costs will be higher if more than one trip is necessary);
- administration and coordination fees charged by the certified agency;
- the donation made or humanitarian contribution requested by the authorities in the country of origin or the orphanage;
- legal and translation fees.

Some countries of origin ask the adoptive parent for a financial contribution to improve living conditions in orphanages, develop services and programs for orphans, and implement nation-wide child protection programs. The amount of the contribution is set by each country.

Certified agencies charge administration and coordination fees according to the way they operate and the services they provide to a potential adoptive parent. Some of them have remunerated staff supported by volunteers in their daily activities. Others rely solely on volunteers.

The SAI works with the certified agencies to ensure that the amounts charged for adoption are not excessive and reflect reality. Every year, certified agencies submit a breakdown of their costs to the SAI, which analyses and discusses it with them.

If the expenses incurred for the adoption of a child domiciled outside Québec seem excessive or high, experience shows that a potential adoptive parent is better protected when the adoption file is processed by a certified agency. A potential adoptive parent may feel vulnerable and alone when faced with people who demand money or valuables in exchange for an expedited procedure, for example. This is why Québec, as a member of the Hague Convention of May 29, 1993, decided to favour adoption through a certified agency in order to help a potential adoptive parent avoid the abusive practices and many pitfalls to which they may be exposed.

HEALTH OF ADOPTED CHILDREN

A potential adoptive parent waiting for a child to be proposed worries about the child's physical, mental, emotional and social health. Not all children have received the medical attention and care appropriate to their state of health in their country of origin. Some have had positive experiences with other children or a significant person in their environment, and some have received special attention at the orphanage or spent time in a foster family, while others have not had the care and attention needed, and they bear the consequences. Children adopted in a foreign country can readily recover from their health problems but may continue to have problems after they arrive in their new homes.

In matters of international adoption, it may be difficult to make a diagnosis or obtain a satisfactory report on the health and progress of the child in his or her country of origin. There are no standard medical tests or examinations, and practitioners may be more or less able to establish a complete and accurate diagnosis. Furthermore, the cultural notion of health, which varies from one country to another, can also play a role.

The certified agency and the SAI's international adoption consultant can provide information on sanitary conditions, the most common health problems encountered and the clinical examinations of the child in his or her country of origin.

Before leaving the country of origin, the child must undergo a medical examination by a physician designated by Citizenship and Immigration Canada. The examination is crucial to the child's entry into Canada, even before the adoption takes place, as the results could influence the potential adoptive parent's decision, especially in complex and difficult medical cases. If a child is found to be medically inadmissible, his or her Canadian visa may be denied.

A child's arrival in his or her new home is celebrated with joy by close family and friends. Once the festivities marking the child's arrival are over, reality is sometimes less appealing than anticipated while awaiting the child. Why doesn't the child show unconditional love for his or her new parents? Why doesn't the child understand that his or her new dad and mom only want what's good for him or her? Why does the child have night terrors?

The challenges of international adoption are many and some are easier to overcome than others. If most problems resolve themselves over time, others can be settled by consulting staff at certified agencies and people who have already adopted. Specialists in various fields (paediatricians, nurses, social workers, psychologists) can also help find solutions. For information or a referral to the appropriate resource, certified agencies, some of which provide advocacy services, adoptive parents' associations and self-help groups should be consulted without hesitation,

No certified agency, country of origin or government authority can guarantee that a child is in perfect physical, psychological or mental health. Even if the health report prepared at the time of adoption seems good, certain problems may have gone undetected because of a lack of symptoms at the time of the medical examination abroad. It is also important to note that some pathologies are not apparent until adolescence or adulthood. In any case, it is best to feel free to ask for help and advice.

PRE-ADOPTION PHASE

Adoption and the Internet

The Internet is an incredible source of information. People increasingly begin their adoption plans by consulting various Websites and joining discussion groups on the subject. Even if these information channels can be useful and helpful, they can also be misleading or cultivate ambiguity by providing false, inaccurate or outdated information. Rumours are also rampant. Consulting a number of sites that contain conflicting information can result in false leads and confusion. Consulting official foreign government sites, as well documented as they may be, can also be misleading as the information they contain does not necessarily apply to residents of Québec.

Foreign organizations post photos of children awaiting adoption, or offer their services as adoption intermediaries. It may be exciting to discover that it is apparently possible to choose and adopt a child abroad. It may also be very easy to undertake adoption procedures by contacting agencies outside Québec. Some of them, because they lack information, may make promises they will be unable to keep, given Québec legislation in matters of international adoption.

The picture is not entirely bleak, however. Several discussion groups provide an opportunity to exchange varied, quality information, advice and adoption experiences. Many sites also provide valid information on a number of adoption-related subjects.

To avoid any misunderstanding from the start, a person who wishes to begin an adoption process should consult the Website of the Secrétariat à l'adoption internationale (www.adoption.gouv.qc.ca) as a first step. It contains useful information for the potential adoptive parent. If the information needed is not found on the site, the person should contact the staff at the SAI for further information or clarification.

Reflection period

People consider adoption as a way to start or expand a family for a number of reasons. Infertility, the risks involved in late pregnancy, the possibility of a high-risk pregnancy and the wish to take in a needy child are a few.

There are other ways to help or assist a child, such as temporarily or permanently taking in a child born in Québec, sponsoring a foreign child through humanitarian organizations, volunteer work or mentoring young people.

While taking care not to dampen one's enthusiasm for a domestic or international adoption plan, it is important to see how dreams measure up to reality. Discussing the idea with one's spouse, children, family and friends, meeting with people who have already been through the adoption process, joining reliable discussion groups and forums on the Net, and gathering lots of information are all ways to help think the idea through before taking the first official steps to adopt a child.

Challenges of international adoption

Starting or expanding a family through international adoption is a wonderful experience. A relationship of acceptance and trust must develop between the adoptive parent and the child over time. A child obviously needs a strong will and a combative spirit to adapt, fit in and earn acceptance, while letting his or her personality shine through. The adoptive parent must be extremely tolerant, understanding, patient and kind, and he or she is also under a great deal of stress. It is, therefore, important to take the time to reflect on the meaning of the new parent-child relationship.



"Adoption must be a meeting of the child's
needs and the wishes of the adoptive parents".
International Social Services, Geneva 1999

International adoption must not be taken lightly. A great number of things need to be considered that call for outstanding qualities on the part of both adoptive parents and adopted children. Many steps are essential to the processing of the file, which must be followed rigorously, and, above all, the child's rights and best interests must be protected throughout the process.

Among other things, international adoption involves dealing with:

- ✿ a process that requires deep thought and introspection;
- ✿ requirements, depending on the country of origin, that sometimes go against one's values;
- ✿ the obligation of undergoing medical and psychosocial assessments;
- ✿ the risk of having to postpone the plan to adopt, or give it up further to the recommendations of the psychosocial assessment;

- ✿ the proposal of a child with health problems;
- ✿ the proposal of a child whose appearance differs from that imagined or desired;
- ✿ a longer wait than expected;
- ✿ a shorter wait than expected, precipitating preparations;
- ✿ preparing brothers and sisters, and the extended family, for the child's arrival;
- ✿ the sadness of being unable to bring the proposed child home immediately;
- ✿ the regret of not having strong feelings of love for the child upon first seeing him or her;
- ✿ the fact that the child does not instantly bond with the parents;
- ✿ unexpected reactions by brothers, sisters and extended family;
- ✿ great stress that may upset family or individual stability;
- ✿ health problems that went undetected at the time of the adoption, but reveal themselves once at home or a few years down the road;
- ✿ behaviours that are acceptable in the country of origin but not here, especially if the child is older;
- ✿ preconceived ideas concerning the child's origins and disquieting or unpleasant remarks from family, friends or strangers;
- ✿ the perspective of having to answer the child's questions about his or her sociobiological and cultural roots;
- ✿ the child's wish to know his or her family history, find his or her biological parents, extended family and significant people from the past, or re-establish contact with his or her original cultural environment;
- ✿ the possibility that one day a biological parent will seek contact with the child;
- ✿ a demanding legal and administrative process;
- ✿ a process beyond one's control.

A family rarely has to deal with all of the above situations, and they are not all as emotionally demanding. It is possible to address all of these considerations at the time of the psychosocial assessment, in a spirit of positive exchange. Some certified agencies have meetings during which these issues are discussed even before all of the adoption procedures have been undertaken.

Some of the above situations may seem insurmountable and may prompt people to set their plans for international adoption aside for the time being. Pursuing the reflection period may help them make an enlightened decision in the end.

Workshops, conferences and pre-adoption sessions

To help the potential adoptive parent progress in his or her plan to adopt a child from a foreign country, certified agencies provide various activities ranging from individual counselling to structured preparation sessions, before or after the contract is signed. These generally cover the issues, challenges and particular features of international adoption in the country where the certified agencies have programs. Adoptive parents sometimes share their experiences during workshops. Some agencies also have group meetings and conferences on welcoming the adopted child, the parent-child bonding process, health issues of adopted children, and the integration and development of the child, for example. These information sessions, which are of a more clinical nature, are led by professionals (social workers, psychologists, nursing staff, recognized experts).

In addition to the services provided by certified agencies, two establishments in the health and social service network have developed pre-adoption workshops. At present, this specialized service is only available to potential adoptive parents in the Montréal area. The subjects covered include the differences between adopted children and biological children, the health and development of adopted children, trauma, mourning, feelings of abandonment, the adoption triangle (biological parents-adoptive parents-adopted child), bonding, discipline, culture and factors linked to the success of an adoption.

Workshops geared toward preparation for international adoption are also available through social workers and psychologists in private practice.

Choosing the country of origin

The country of origin is chosen on the basis of very practical realities. It is important to consider the profiles of the children available for adoption and the conditions imposed by the countries of origin. Other criteria must be considered, such as the cost, length and number of trips to the foreign country in order to complete the adoption process. Additional elements to be considered include the international adoption situation in the country and the requirements as to progress reports on the child (some countries require reports submitted on a regular basis until the child is of full age).

The SAI's international adoption consultant and the certified agency's staff can help potential adoptive parents make a choice.

Adoptive parents must satisfy the adoption criteria set by the country of origin they choose. To make an educated decision and be informed of the applicable conditions:

- ✦ Consult the table of conditions for countries of origin (part of the SAI's virtual toolkit).
- ✦ Read the info sheets on the countries of origin (SAI's Website).
- ✦ Speak with the SAI's intercountry adoption consultant.
- ✦ Attend certified agencies' information sessions or consult their representatives.

Choosing a certified agency

Certified agencies are chosen according to the needs of potential adoptive parents and their expectations concerning the services they wish to receive. A relationship of trust must be established from the outset. Attending the information sessions provided by these agencies is recommended, as is calling or meeting with the people in charge in order to obtain answers to all questions.

Here are a few questions to be answered at first contact:

- How long has the agency been certified for international adoption?
- What is the staff's availability and what is their experience in the field?
- What about registration and membership fees?
- How many members does the agency have?
- What is the cost of an adoption? What costs are refundable? Under what conditions?
- What are the services provided before, during and after the adoption?
- To what extent will the agency provide assistance in the process?
- Who is the agency's representative in the foreign country? What role does that person play?
- Can I take the time to carefully read through the contract before coming to a decision and signing it?

Choosing an agency is a crucial step in the project. It is therefore important to feel free to ask questions, request documentation and consult with people who have already been through the adoption process to find out about their experience. The SAI consultant is another source of information for adoptive parents who want more information on the activities of certified agencies.

ADOPTION PROCESS

Step 1: Exploring the possibilities of adoption

People who would like to adopt a child domiciled outside Québec should contact the Secrétariat à l'adoption internationale (SAI) for information on international adoption, the conditions and the procedures involved in the process. For questions on a specific country, certified agencies can also be contacted. Some provide information sessions and/or pre-adoption consultation services.

Step 2: Signing a contract with a certified agency

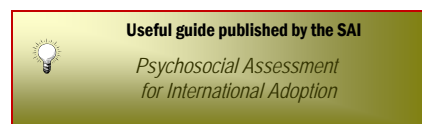
A contract between a potential adoptive parent and a certified agency must be signed before the agency initiates the procedures on the parent's behalf. The contract must include a description of the services provided by the certified agency and a breakdown of the estimated adoption costs.

Step 3: Opening a file with the SAI

Once the contract is signed, the certified agency has the potential adoptive parent fill out a form, which is sent to the SAI. Upon receiving the required form and documents, the SAI opens a file for the parent and makes sure the requirements in Québec are met, including the parent's age and domicile. It then issues a letter to the parent, confirming that a file has been opened for the adoption of a child domiciled outside Québec. This letter is a pre-requisite for the next step.

Step 4: Undergoing a psychosocial assessment

The psychosocial assessment is required by law, and it is one of the key elements of the adoption file. It allows the competent authorities in Québec and in the child's country of origin to ensure that the potential adoptive parent is able to meet the child's physical, mental and social needs. At the end of the assessment process, the adoption plan is approved, postponed or rejected.



In accordance with Québec's legal framework and the requirements of the child's country of origin, the psychosocial assessment is performed, under the supervision of the Director of Youth Protection, by a social worker or a psychologist in private practice who is a member of his professional order. If the Hague Convention of May 29, 1993 is in force in the child's country of origin,

the psychosocial assessment must, without exception, be performed under the supervision of the Director of Youth Protection.

The evaluator and the Director of Youth Protection may ask the potential adoptive parent to provide certain documents during the assessment. The country of origin may also have requirements in this respect. Before starting the psychosocial assessment, the evaluator asks for the SAI's letter confirming that a file has been opened for the adoption of a child domiciled outside Québec. An original copy of the assessment must be submitted to the SAI by the evaluator or the youth centre that supervised the assessment, as applicable. A positive recommendation is required for the adoption process to continue.

If the Hague Convention of May 29, 1993 is in force in the child's country of origin, the SAI must, in accordance with Article 15 of the Convention, submit a report to the central authority of the country. The psychosocial assessment, along with an official letter issued by the SAI, can be submitted in lieu of a report.

Step 5: Assembling the adoption file

The potential adoptive parent assembles the adoption file with the documents required by the country of origin. The SAI and the certified agency work in close cooperation to ensure that the SAI issues the required letters.

Step 6: Submitting the potential adoptive parent's file to the authorities of the country of origin

The certified agency submits the potential adoptive parent's file to the authorities of the country of origin and follows up on the procedure. It makes sure that all documents required by the authorities are provided.

Step 7: Sponsorship procedures

The child is not granted Canadian citizenship before arriving in Québec, but must first be sponsored by the adoptive parent under the family class immigration category in order to obtain permanent resident status. The adoptive parent thus undertakes to provide for the child's essential needs.

The adoptive parent submits a sponsorship application to Citizenship and Immigration Canada (CIC). This can be done at the beginning of the adoption process, even if the child's name is not yet known. A file is opened further to the application, which does not necessarily authorize the child to enter the country. CIC will forward the information provided to the ministère de l'Immigration et des Communautés culturelles for a review of the undertaking, and to the Canadian embassy serving the child's country of origin, which also opens a file.

Step 8: Waiting period

The waiting period for the proposal of a child depends on the country of origin and the profile recommended in the psychosocial assessment. International adoptions are also subject to the vagaries of national or international events that disrupt the adoption process. For information, the potential adoptive parent can consult the certified agency and read the documents published by the SAI.

During this period, the adoptive parent informs the certified body of any material change in his personal or family situation (e.g. pregnancy, job loss, separation, divorce, death, new cohabitation, illness). Depending on the change's potential significance or impact with regard to the proposed adoption, the psychosocial assessment may have to be updated.

Step 9: Proposal of a child or matching

The adoptive parent and the child are matched (or paired) by the adoption authorities in the country of origin or, in rare circumstances, by the certified agency. The latter must abide by the order in which the potential adoptive parent's name is entered on the waiting list, and take into account the psychosocial assessment's recommendations, as well as the availability of adoptable children at the time. However, the authorities in the country of origin are generally the ones who propose a child for the potential adoptive parent, and the certified agency is responsible for submitting the proposal to the potential adoptive parent, who must indicate his or her agreement in writing within a certain period of time. Other documents may be included with the proposal, such as medical and psychosocial information and photographs of the child. The certified agency forwards the potential adoptive parent's decision to the authorities in the child's country of origin. If a proposal is inconsistent with the psychosocial assessment, it must be handled in cooperation with the SAI, and follow-up by the evaluator may be required.

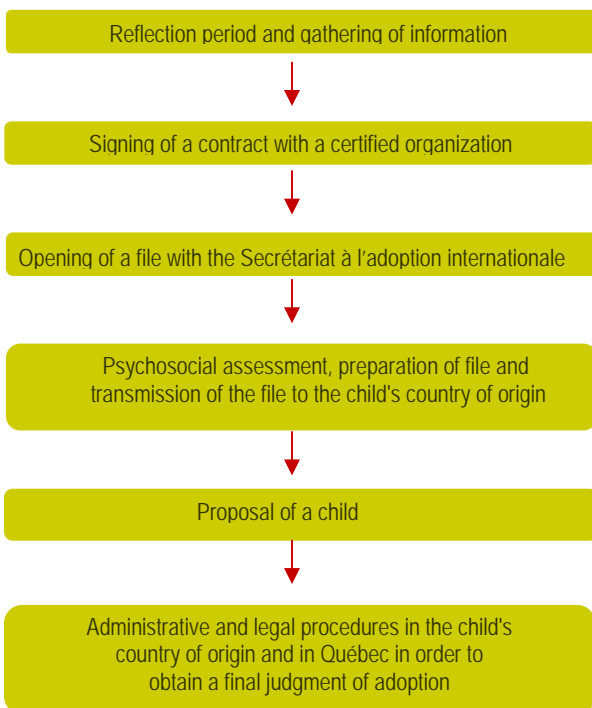
Step 10: Authorization to proceed with the adoption, and immigration procedures

The certified agency sends the SAI the documents demonstrating the child's adoptability and the consents to his or her adoption. After verifying the documents and ensuring that the proposal is consistent with the recommendations of the psychosocial assessment, the SAI issues a letter of no objection. This letter is sent to the immigration authorities and

All documents written in a language other than English or French must be submitted with a French translation done by a certified translator.

confirms that the SAI, after reviewing all the documents and ensuring that all procedures have been followed, has no grounds to oppose the child's adoption.

If the Hague Convention of May 29, 1993 is in force in the child's country of origin, pursuant to Article 17 of the Convention the SAI at the same time issues an official letter to the central authority in the child's country of origin indicating that it agrees that the adoption procedure can continue. The adoptive parent receives the form entitled *Declaration of Attribution of a Name for a Child Adopted Abroad* (DEC-10) from the SAI and keeps it until the child arrives in Québec. Once the child has arrived, the adoptive parent must complete the form and send it to the SAI. This form is not automatically provided by all States that are parties to the Hague Convention of May 29, 1993.



To complete the sponsorship procedures, the adoptive parent contacts the regional office of the ministère de l'Immigration et des Communautés culturelles (MICC) and signs the undertaking form for the child. After reviewing the application, the MICC sends the required immigration documents to the Canadian embassy concerned, which issues the child's visa once the mandatory medical examination has been performed and all other conditions have been met.

Step 11: Administrative and legal formalities in the child's country of origin

Once the Québec immigration process has been completed and the authorities in the country of origin have given their approval, the certified agency informs the adoptive parent that he or she can go and get the child. The adoptive parent makes sure he or she brings all required adoption and immigration documents (the selection certificate, for example) in his or her carry-on luggage so they can be shown if necessary.

Administrative and legal formalities may vary depending on the child's country of origin and whether the country is a party to the Hague Convention of May 29, 1993. In all cases, the adoptive parent must obtain a decree entrusting the child to him or her. This may consist in an adoption

decree issued by an administrative or legal authority, or a placement order. The certified agency informs the adoptive parent of the procedure to follow and the steps to take.

If the Hague Convention of May 29, 1993 is in force in the child's country of origin, the adoptive parent must obtain the certificate of compliance issued by the central authority in the child's country of origin, since he or she must then submit it to the SAI.

One of the steps in the immigration process is completed with the assistance of the Canadian embassy. The adoptive parent must make sure the child has undergone a medical examination. He or she must also produce the immigration documents and obtain the child's visa, according to certain conditions.

Depending on the country of origin, the adoptive parent may travel alone, as part of a couple or with a group of adoptive parents. Some certified agencies offer on-site guide and interpretation services. The length of the stay may vary. In some countries, a person designated by the certified agency or the country of origin escorts the child to Québec. In such cases, the adoptive parent picks the child up at the airport.

Step 12: Arrival of the child in Québec

Once the child arrives in Québec, the adoptive parent informs the certified agency of the child's arrival date and submits copies of the documents obtained in the country of origin. The certified agency forwards the information to the SAI.

The adoptive parent can contact his or her local CLSC to schedule a visit by a health professional. This is part of the basket of services offered by the CLSC in the 14 days following the child's arrival in Québec. Its purpose is to establish a first contact with the adopted child and provide appropriate advice and care. The adoptive parent is encouraged to make an appointment as quickly as possible after the child's arrival in order to benefit from this service.

Step 13: Administrative and legal procedures in Québec

The steps in the adoption process must continue in Québec for the adoption to have effect here. They vary depending on the type of adoption decree issued by the child's country of origin.

A. Notification of the certificate of compliance or of a document in lieu of one (the country of origin is a State that is a party to the Hague Convention of May 29, 1993 and issues a certificate of compliance or a document in lieu of one)

If the Hague Convention of May 29, 1993 is in force in the child's country of origin and an adoption decree has been issued in accordance with the required procedure, the decree does not have to be recognized by a Québec court to have effect in Québec. The adoptive parent must submit the certificate of compliance, or a document in lieu of one, to the SAI within 60 days after it is issued by the central authority in the child's country of origin, along with a translation. In this document, the central authority confirms that an adoption decree has been handed down. The adoptive parent completes it and transmits to the SAI at the same time the form entitled *Declaration of Attribution of a Name for a Child Adopted Abroad* (DEC-10), intended for the Registrar of Civil Status, and indicates the name he or she wishes to give the child. If everything is in order, the SAI notifies the Registrar of Civil Status of the certificate of compliance, or the document in lieu of one, and form DEC-10. The SAI returns the original document and its translation to the adoptive parent. The documents must be marked "Transmis au Directeur de l'état civil" (transmitted to the Registrar of Civil Status). The adoptive parent then follows standard procedure to apply to the Registrar of Civil Status for the child's birth certificate.

The procedure is different where countries do not issue a certificate of compliance, or a document in lieu of one, even if the Hague Convention of May 29, 1993 is in force there. The foreign adoption decree may have to be recognized by a Québec court to have effect in Québec, either by means of a placement order or by recognition of a foreign adoption decree. The procedures linked to each situation are described below.

B. Recognition of a foreign adoption decree (the country of origin issues an adoption decree)

The foreign adoption decree must be recognized by a Québec court to have effect in Québec. The adoptive parent must therefore present a motion to the Youth Division of the Court of Québec in the judicial district where the adoptive parent resides for recognition of a foreign adoption decree concerning the adoption of a child domiciled outside Québec by a person domiciled in Québec. This step is mandatory in order for the child to obtain legal status in Québec. It is also required in order to obtain a birth certificate issued by the Registrar of Civil Status, and Canadian citizenship. It is during this step that the adoptive parent provides the name he or she wishes to give the child.

Upon receiving the notice of the child's arrival and the related documents, the SAI prepares an attestation for the court concerning the international adoption steps taken by the certified agency. This document confirms that the SAI followed the adoption procedures, that they were as prescribed and that the country of origin issued an adoption decree. The attestation is given to the adoptive parent along with a letter addressed to him or her. The adoptive parent then prepares the motion for recognition of a foreign adoption decree, which is submitted along with the attestation. The adoptive parent can retain the services of a legal adviser to draft and present the motion.

Once the foreign adoption decree is recognized, the clerk of the Youth Division of the Court of Québec sends a copy of the judgment to the Registrar of Civil Status so that the child is automatically registered. A birth certificate reflecting the child's new filiation can only be issued after a 30-day waiting period, after which the adoptive parent can obtain it by contacting the Registrar of Civil Status and following standard procedure.

The adoptive parent must submit to the SAI a copy of the judgment recognizing the foreign adoption decree.

C. Placement order and adoption judgment in Québec (the country of origin issues the child placement order)

In some countries, the authorities do not issue an adoption decree. Instead, they entrust the child to the adoptive parent so that a judgment of adoption can be rendered in Québec.

This is a two-fold procedure: The adoptive parent must first apply to the Youth Division of the Court of Québec in the judicial district where he or she resides, through his or her youth centre, in order to obtain a placement order in Québec. The adoptive parent's regional youth centre provides assistance with these legal procedures. Once the placement period prescribed by the order is over, the adoptive parent must once again apply to the Court to obtain a Québec adoption judgment. This step is mandatory in order for the foreign decree to have effect and, consequently, for the child to be granted legal status in Québec. It is also required in order to obtain a birth certificate issued by the Registrar of Civil Status, and Canadian citizenship. It is during this step that the adoptive parent provides the name he or she wishes to give the child.

Upon receipt of the notice of the child's arrival and the related documents, the SAI prepares an attestation for the court concerning the international adoption steps taken by a certified agency. This document confirms that the SAI followed the adoption procedures, that they were as prescribed and that the country of origin authorized the child's placement. The attestation is given to the adoptive parent along with a letter addressed to him or her. The adoptive parent then prepares the motion for a placement order, which is submitted along with the attestation. The Director of Youth Protection is a party to these procedures. The adoptive parent can retain the services of a legal adviser to draft and present the motion.

Once the Québec adoption judgment is issued, the clerk of the Youth Division of the Court of Québec sends a copy to the Registrar of Civil Status so that the child is automatically registered. A birth certificate reflecting the child's new filiation can only be issued after a 30-day waiting period, after which the adoptive parent can obtain it by contacting the Registrar of Civil Status and following standard procedure.

The adoptive parent must send a copy of the judgment of adoption to the SAI.

D. Application for Canadian citizenship


In all cases of adoption of a child domiciled outside Québec, the adoptive parent must make sure the child obtains his or her Canadian citizenship. This is very important for the country of origin, which may in fact require proof of the adopted child's Canadian citizenship. Canadian citizenship is a requirement for the issuance of a passport, and it gives the child the right to vote once he or she reaches full age.

The adoptive parent submits an application for citizenship to Citizenship and Immigration Canada on behalf of the child at the end of the adoption process in Québec, as the child's birth certificate, issued by the Registrar of Civil Status, must be enclosed with the application.

Step 14: Preparing the child's progress reports and submitting them in the child's country of origin

In all adoption files concerning a child domiciled outside Québec, upon signing the contract with the certified agency, the adoptive parent undertakes to submit progress reports on the adopted child to the authorities in the country of origin in accordance with the requirements of that country. The form, frequency and number of reports, as well as the duration of this commitment, may vary considerably from one country to another. Some countries require these reports until the child reaches full age. The reports are prepared at the adoptive parent's expense by a psychologist or a social worker appointed by the Director of Youth Protection, or by a social worker or psychologist in private practice, or the adoptive parent, depending on the requirements of the country of origin. The certified agency sends these reports and their translations, as required, to the country of origin.

Progress reports may also have to be submitted to the Youth Division of the Court of Québec when the Court issues a placement order and an adoption judgment. The same reports can be submitted to the Court of Québec and the country of origin.

 Failure to submit progress reports can have serious consequences that do not concern only the parent who failed to meet his or her commitment. Countries of origin closely monitor the receipt of progress reports, and among the sanctions imposed in the past has been the complete closure of the host country to adoptive parents from countries where parents have not submitted the required reports.

Step 15: Closing the adoption file

The SAI keeps all files pertaining to the adoption of children domiciled outside Québec. Certified agencies have the legal obligation to remit their files to the SAI two years after the child's arrival in Québec, when the proposed adoption has been abandoned or when the agency is no longer certified.

Under Québec legislation, files pertaining to a child's adoption are confidential and the information they contain can only be disclosed where permitted by law. Once the adoption procedure is complete, the SAI closes the adoption files, which are then archived and digitized. They may eventually be used to prepare a report on a child's history in the event the SAI receives a request for a sociobiological history or for a reunion.

AFTER THE ADOPTION

Visit by the CLSC

The adoptive parent can contact the local CLSC to schedule a visit by a health professional. The visit is part of the basket of services offered by the CLSC, and takes place within 14 days of the child's arrival in Québec. Its purpose is to establish a first contact with the adopted child and to provide appropriate advice and care. It is recommended that the adoptive parent make an appointment as quickly as possible after the arrival of the child in order to have this service.

Specialized post-adoption services

If the adopted child has any physical or psychological problems, the adoptive parent can use the public network of health and social services. A family physician, pediatrician or CLSC can provide advice and help the adoptive parent get the assistance needed. Some CLSCs also provide post-international adoption support services. Schools can provide supplementary supervision assistance, psychological help and health and social services to older children. Services are also available from health and social services professionals in private practice.

Administrative formalities

For more information on government programs or services:

Services Québec

www.servicesquebec.gouv.qc.ca 1 877 644-4545

Service Canada

www.servicecanada.gc.ca 1 800 622-6232

Québec act of birth

In some cases, an act of birth is automatically obtained once the child arrives in Québec, according to a procedure agreed upon with the Registrar of Civil Status. In other cases, the adoptive parent must send a request directly to the Registrar of Civil Status.

Directeur de l'état civil (www.etatcivil.gouv.qc.ca)

Canadian citizenship

The adoptive parent must obtain Canadian citizenship for the child by applying to Citizenship and Immigration Canada. The citizenship certificate is a requirement for the issuance of a passport, and it confers the right to vote at full age. Application is made at the end of the legal procedures leading up to adoption in Québec. A few months are required for the adopted child to obtain Canadian citizenship.

The adoption authorities in the country of origin insist on the importance of obtaining Canadian citizenship for the child. Some countries require a copy of the citizenship certificate. Once he or she becomes an adult, the adopted child may face major problems in establishing his or her status if the adoptive parent neglected to apply for Canadian citizenship on his or her behalf.

Citizenship and Immigration Canada (www.cic.gc.ca)

Permanent resident card

If the adoptive parent plans to travel with the foreign-born child, and the child has not yet been granted Canadian citizenship, the parent must obtain a permanent resident card for the child from Citizenship and Immigration Canada, unless the card was automatically sent to the parent.

Citizenship and Immigration Canada (www.cic.gc.ca)

Québec parental insurance plan

Under the Québec parental insurance plan, benefits can be paid to all eligible men and women who work (salaried or self-employed) and choose to take maternity leave, parental leave, paternity leave or adoption leave.

Québec parental insurance plan (www.rqap.gouv.qc.ca)

Adoption leave and parental leave

The *Act respecting labour standards* grants salaried workers a certain number of days of paid and unpaid leave provided by the employer for family events, depending on the situation.

Unionized employees should check their collective agreements for information on leave. Collective agreements must provide working conditions equal to or better than those provided for in the *Act respecting labour standards*.

Commission des normes du travail (www.cnt.gouv.qc.ca)

Child assistance

The child assistance measure is for all families with dependent children under the age of 18. It has two components: the child assistance payment and the supplement for handicapped children.

For information, contact the Régie des rentes du Québec (www.rrq.gouv.qc.ca)

Québec health insurance plan (health insurance card and prescription drug insurance)

A child must be registered with the Régie de l'assurance maladie du Québec. Once the child's eligibility for the health insurance plan is confirmed, the parents must make sure their new child is covered by a prescription drug insurance plan. Parents who have a private collective insurance plan for prescription drugs are required to extend the coverage to the child. However, if they do not have such coverage, the child can be registered with the public prescription drug insurance plan.

Régie de l'assurance maladie du Québec (www.ramq.gouv.qc.ca)

Canada Child Tax Benefit

The Canada Child Tax Benefit is a tax-free monthly payment made to eligible families, to help them see to the needs of their children under age 18. If the federal government has not previously paid benefits for the child, and the child was born outside Canada or is one year of age or older, proof of birth must be enclosed with the application.

Canada Revenue Agency (www.cra.gc.ca)

Universal Child Care Benefit

This benefit is paid monthly to eligible families to help them meet their child care needs for their children under the age of six.

Human Resources and Social Development Canada (www.cra.gc.ca/benefits/uccb)

Tax credit for adoption expenses

The Québec government and the Government of Canada provide a tax credit for adoption expenses, based on a certain percentage. The adoptive parent must keep all receipts from the start of the adoption process for expenses in Québec and during the trip abroad.

Ministère du Revenu du Québec (www.revenu.gouv.qc.ca)

Canada Revenue Agency (www.cra.gc.ca)

Entering school

The adoptive parent must contact the local school board to find out the procedures for entering school. Some school boards have reception classes for children who are of school age at the time of adoption.

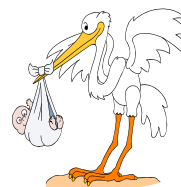
Ministère de l'Éducation, du Loisir et du Sport (www.mels.gouv.qc.ca)

Mon arbre à moi campaign



The ministère des Ressources naturelles et de la Faune distributes, not only to all children born during the year in Québec, but also to all children adopted in a foreign country, a small tree seedling that will grow along with them. The seedlings are distributed in May of each year, during Tree and Forest Month. To receive a seedling, fill out the form available on the Website of the ministère des Ressources naturelles et de la Faune. Parents will be notified by mail of the procedure to follow. To receive a seedling during the current year, the form must be received no later than April 15.

Ministère des Ressources naturelles et de la Faune (www.mrn.gouv.qc.ca/mon-arbre/)



NEED MORE INFORMATION?

Secrétariat à l'adoption internationale

Montréal: (514) 873-5226

Elsewhere in Québec: 1 800 561-0246

www.adoption.gouv.qc.ca

Québec 
Ministère de
la Santé et des Services sociaux
Secrétariat
à l'adoption internationale
