

ADOPTION

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**QUESTIONNAIRE SUR LES ORGANISMES AGRÉÉS DANS LE CADRE DE LA
CONVENTION DE LA HAYE DU 29 MAI 1993 SUR LA PROTECTION
DES ENFANTS ET LA COOPÉRATION EN MATIÈRE
D'ADOPTION INTERNATIONALE**

établi par le Bureau Permanent

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**QUESTIONNAIRE ON ACCREDITED BODIES IN THE FRAMEWORK OF THE
HAGUE CONVENTION OF 29 MAY 1993 ON PROTECTION
OF CHILDREN AND CO-OPERATION IN RESPECT
OF INTERCOUNTRY ADOPTION**

drawn up by the Permanent Bureau

*Document préliminaire No 1 d'août 2009 à l'intention de la
Commission spéciale de juin 2010 sur le fonctionnement pratique de la
Convention de La Haye du 29 mai 1993 sur la protection des enfants et
la co-opération en matière d'adoption internationale*

*Preliminary Document No 1 of August 2009 for the attention of the
Special Commission of June 2010 on the practical operation of the
Hague Convention of 29 May 1993 on Protection of Children and
Co-operation in Respect of Intercountry Adoption*

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Introduction

The Permanent Bureau is undertaking preparations for the Third Special Commission Meeting to review the practical operation of the *Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption* (1993 Hague Convention), which is to be held in The Hague in June 2010. It is intended that the Special Commission will provide the opportunity for State Parties to the Convention (as well as States which are considering or preparing for ratification or accession) to exchange information and experiences on the operation of the Convention, to compare practices, and to discuss any difficulties in respect of the implementation and practical operation of the Convention.

Following the recommendations of the 2005 Special Commission, and based on the Discussion Paper on Accreditation Issues,¹ the Permanent Bureau is gathering information for a new Guide to Good Practice on Accreditation. The following Questionnaire has been developed for this purpose. Your responses to this Questionnaire will be an invaluable source of information for us in developing the new Guide.

As you know, in many countries, accredited bodies perform the functions of Central Authorities in relation to particular adoptions under the 1993 Hague Convention. The process of accreditation of bodies is one of the Convention's safeguards to protect children during the adoption process. The Convention requires that accredited bodies be not for profit, staffed by qualified and experienced personnel and be subject to supervision by competent authorities (Art. 11). Basic standards are imposed by the Convention to guide the accreditation process. It is implicit in the Convention that States will develop their own accreditation criteria, based on Convention objects and standards and expanded as necessary to meet the requirements of the individual State. The new Guide will include a set of model accreditation criteria.

In addition, according to Article 12, bodies accredited in one State and wishing to operate in another State must be specifically authorised to do so by the competent authority of both States (the accrediting State and the State of operation). In order to clear up some misunderstandings, the new Guide will explain the differences between accreditation and authorisation.

This Questionnaire is addressed to Member States of the Hague Conference and Contracting States to the 1993 Hague Convention. Obviously, it is understood that some questions can only be readily answered by Contracting States. It is also understood that some questions are more relevant to States of origin than to receiving States and vice versa.

As regards all other States which are not yet Party to the Convention, as well as certain intergovernmental organisations and non-governmental international organisations which have also been invited to Special Commissions as Observers, we would welcome from them any comments in respect of any items in the Questionnaire which are considered relevant.

We intend, except where expressly asked not to do so, to place all replies to the Questionnaire on the Hague Conference website. We would therefore request that replies be sent to the Permanent Bureau, if possible by e-mail, to: **secretariat@hcch.net**.

*We would be very grateful for your co-operation in this exercise, and we hope that you will be able to send us your replies to this Questionnaire **by 30 September 2009**.*

¹ "A Discussion Paper on Accreditation Issues", drawn up by Jennifer Degeling, Principal Legal Officer, with the assistance of Carlotta Alloero, Intern.

NAME OF STATE OR ORGANISATION:**Canada (province of British Columbia)****Ministry of Children and Family Development, Central Authority for the Province of British Columbia.****EXPLANATIONS AND QUESTIONS**

If a question does not apply to your State, please answer "Not applicable" or "N/A".

Some questions can be answered by marking a box.

Where your answer refers to specific provisions of your law / laws, please cite the law and provision number as it may be a helpful reference in the Guide to Good Practice.

Where your answers can be enhanced by providing a link to an electronic version of a document (e.g., guidelines, criteria), please give that link.

USE OF TERMINOLOGY

There are three situations in which accreditation and authorization (as used in the Convention) may occur. A distinction is to be made between "accreditation" and "authorisation":

- (1) adoption bodies are accredited in the receiving State to work in States of origin (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**);
- (2) those adoption accredited bodies of receiving States are granted authorisation in the State of origin with a view to arranging the adoption (Art. 12) (1993 Hague Convention terminology: **authorisation**);
- (3) bodies in the State of origin are accredited by it to work with foreign bodies of the receiving State with a view to adoption (Arts 10, 11) (1993 Hague Convention terminology: **accreditation**).

NB: FOR STATES OF ORIGIN, PLEASE MAKE IT CLEAR IN YOUR ANSWERS IF YOU ARE REFERRING TO YOUR OWN ACCREDITED BODIES OR TO FOREIGN ACCREDITED BODIES WORKING IN YOUR STATE.

A. General policy issues concerning accreditation

1. In your State what terminology do you use for the situations described in (1), (2) and (3) above? Is it the same or different? If different, please specify, define and indicate if you intend to use your own terminology to answer the following questions.

The term accreditation refers to adoption agencies in British Columbia who have been delegated by government and legislation to perform many of the functions of a Central Authority. This accreditation is based on the agencies being bodies that are not for profit, staffed by qualified and experienced personnel and be subject to supervision by competent authorities.

At times these accredited bodies are also referred to as licensed adoption agencies of British Columbia.

2. Is your State a receiving State or a State of origin or both?

British Columbia is largely a receiving state. On occasion, our children may leave British Columbia to reside with family resident in another nation.
3. Have you informed the Permanent Bureau all of the details of bodies accredited by your State, as required by Article 13? Is the information which is currently on the Hague Conference website up to date?

The contact numbers for all the agencies remains the same. There have been some

updates to personnel, as reflected below.

The Adoption Center
255 Lawrence Avenue
Kelowna, B.C., V1Y 6L2
Attn: Jennifer Wall, Administrator
Ph. +1 (250) 763-8002, Toll Free: 1-800-935-4237
Fax: + 1 (250) 763-6282
E-mail: adoption@kcr.ca

Hope Services
200-2975 Gladwin Road
Abbotsford, B.C., V2T 5T4
Attn.: Lorne Welwood, Administrator
Ph. + 1 (604) 850-1002 Toll Free: 1-800-916-4673
Fax: + 1 (604) 852-1045
e-mail: adoption@shaw.ca

Choices Adoption and Counselling Services
Suite 100-850 Blanshard Street
Victoria, B.C., V8W 2H2
Attn: Cheryl Fix, Administrator
Ph. +1 (250) 479-9811 Toll Free: 1-888-479-9811
Fax: + 1 (250) 479-9850
e-mail: choices@choicesadoption.ca

Family Services of Greater Vancouver
1616 West 7th Ave
Vancouver, BC V6J 1R3
Attn: Cathy Loptson, Administrator
Ph: + 1 (604) 736-7613 Toll Free: 1-866-582-3678
Fax: + 1 (604) 736-7916
e-mail: adoptionsservices@fsgv.ca

Sunrise Family Services Society
Suite 102 - 171 West Esplanade
North Vancouver BC, V7M 3J9
Attn: Douglas R. Chalke, Executive Director
Ph: + 1 (604) 984-2488
Fax: + 1 (604) 984-2498
Toll Free: 1-888-984-2488
e-mail: dchalke@sunriseadoption.com

If your State has decided not to use accredited bodies, please explain the reasons and indicate what has influenced the decision. Please answer any questions that are relevant to your State's situation.

4. How do you define "accreditation" and "accredited body" in your State?

Accreditation is defined as an adoption agency in British Columbia who has been delegated by the government to conduct services related to adoption including the completion of homestudies and the facilitation of international adoptions. The licensed adoption agencies must follow the provisions of the BC Adoption Act and the Hague Convention.

5. Do the following categories of actors come within the definition of accredited body (are they included as accredited body staff, employees or personnel)?

- facilitators (if they exist in your State, please specify their role) - no
- national representatives of foreign accredited body - no
- translators - no
- lawyers (e.g., with a power of attorney from prospective adopters) -no
- guide, drivers, etc. -no

If these actors are not employees of the accredited body, what is their legal relationship, if any, to the accredited body?

The accredited body may contract with any of the above to complete aspects of the adoption process, but the functions of these actors must be overseen by the accredited body who is ultimately responsible for ensuring that the adoption has followed the Hague process.

6. As at 30 September 2009, what is the current number of accredited bodies in your State, state or province? If possible, please indicate how many bodies have been refused accreditation, have lost their accreditation or discontinued their activities since 1 January 2006, and for what reason.

There are five accredited bodies in British Columbia who can perform duties under the Hague Convention.

No agency has been denied accreditation.

7. Do you think the number of accredited bodies accredited by, or operating in your State is proportional to the number of intercountry adoptions taking place? If not, do you intend to take any appropriate measures?

Yes, the number of accredited bodies is proportional to the number of intercountry adoptions taking place.

8. Do you impose any limits on the number of accredited bodies which are granted accreditation in your State? If yes, on what grounds are limits imposed?

We do not impose any limits. The BC Central Authority must consider the financial viability of the accredited bodies. Given the population and the number of adoptions the accredited bodies are currently completing there is no need for additional accreditations.

9. Does the Central Authority or the accredited body make the choice of the foreign States with which the accredited body could work (if authorisation were to be given)?

No. The BC accredited agencies work with the foreign States to receive their authorisation to work in that jurisdiction. The Central Authority for British Columbia will supply a letter to the other jurisdiction stating that the BC accredited agency is in good standing, but the decision to work within the foreign State rests with the foreign State and the BC accredited agency.

Receiving State questions

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:

- a) any State of origin;
 - b) a specified State / States of origin?
- It includes authorisation to act in a) any State of origin

- (ii) Do you limit the number of accredited bodies for every State of origin?
n/a

B. Organisation and structures

11. On which subjects does the accredited body have to provide evidence to, or inform, the Central Authority or other competent authority to obtain or maintain accreditation? Please tick relevant box:

- Composition of the accredited body's personnel and any changes
- Qualifications and experience of personnel
- Resolution of the board of governors attesting that the body is bound by ethical principles and rules of professional conduct. A resolution is not required by the board of governors, however, the agency administrators must ensure that social work staff are registered with the College of Social Workers. The College sets the standard for ethical principles and rules of professional conduct and requires reporting of other colleagues who are not adhering to the principles outlined in the code of conduct.
- Internal statute, regulations and guidelines of accredited body, including
 - documents which demonstrate the legal constitution of the accredited body
 - financial management and accounting practices
- Costs and expenses charged by accredited body

- √Copy of the terms of collaboration between the accredited body and the body or person to whom the body entrusts responsibilities in performance of the adoption procedure
- √Budget forecasts for 12-24-36 months (the agency must submit a 3 year business plan)
- √Copy of the standard-form contract between the body and adoptive candidate
- √Insurance for legal liability
- √Other –
 - description of personnel management practices
 - clients complaints process

Receiving State questions

- Certified true copy of an official version of the legislation of the State of origin with which the accredited body will co-operate.
The following is a link to the official Adoption Act of British Columbia:
http://www.bclaws.ca/Recon/document/freeside/--%20A%20--/Adoption%20Act%20%20RSBC%201996%20%20c.%205/00_96005_01.xml
 - Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption) n/a
 - Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules. N/a
 - Copy of the statement of authorisation or approval to work in the State of origin if applicable. The accredited agency receives a statement with its license stating that the agency is authorized to conduct intercountry adoptions.
 - Evidence of knowledge of the situation (cultural, social and legal) in the State of origin. The accredited agency is responsible for working directly with the State of origin to ensure this knowledge.
 - Evidence of knowledge of the adoption law and practice in the State of origin, and understanding of the role of counterparts in the State of origin.
 - The accredited agency is responsible for working directly with the State of origin to ensure this knowledge.
12. Is it compulsory for staff of an accredited body to be professionally qualified? If yes, which professions? (e.g., lawyers, psychologists, psychiatrists, social workers, etc).
Yes, social workers must be professionally qualified and registered with the provincial Board of Registration for Social Workers.
13. If volunteers are used, what is the ratio of volunteers to professional staff?
Volunteers are not commonly used.
14. Are your accredited bodies required to sign a contract or agreement with the prospective adoptive parents? In general, what are the obligations of accredited bodies to adoptive candidates?
Prospective adoptive parents sign a contract with the adoption agency. The obligations of the accredited body generally include completing a homestudy in accordance with British Columbia Act, reviewing child proposal information to ensure the adoptive parents are suitable to parent the child, transmitting information to the appropriate authorities, and overall assisting the adoptive parents in completing the adoption process.
15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?
The Central Authority holds bi-annual meetings with the accredited authorities to

pass on relevant information and discuss current issues of concerns. Additionally, the Central Authority transmits updates to the accredited bodies regarding adoption processes in particular countries, as that information becomes available to the Central Authority.

16. Are your accredited bodies required to have internal guidelines for carrying out tasks related to adoptions including guidelines on confidentiality of information?

Accredited agencies are expected to adhere to ethical codes of conduct regarding confidentiality of client information. Additionally, their licensing standards require them to store client information in secure and locked premises.

17. Are your accredited bodies required to keep the adoption records for a certain number of years? How many years?

The Central Authority retains the completed adoption records. Accredited bodies send the files to the Central Authority and they are retained for a period of 99 years from the completion date.

C. Accreditation procedure

18. Please provide details (including powers and resources) of the authority or authorities which grant accreditation. Briefly describe the procedure to obtain accreditation.

The Central Authority for British Columbia, the Ministry of Children and Family Development, grants accreditation to the adoption agencies.

The process for accreditation/licensing in BC includes a review of:

- the constitution of the Society,
- evidence of board members knowledge
- verification of agency staff credentials
- copies of contracts with facilitators and other contractors
- description of personnel management practices
- clients complaints process
- agency services
- business plan/service delivery plan
- fee schedules
- financial statements

19. Please give a brief outline of your accreditation criteria, guidelines or legislation. If possible, please provide an electronic copy of your accreditation criteria, guidelines or legislation, and any translations into English, French or Spanish.

The following is a link to the official Adoption Act of British Columbia:

http://www.bclaws.ca/Recon/document/freeside/--%20A%20--/Adoption%20Act%20%20RSBC%201996%20%20c.%205/00_96005_01.xml

Please find attached a copy of the accreditation criteria.

Please find attached an outline of the accreditation criteria

Please find attached a copy of the accreditation criteria.

20. Is there a central registry of all accredited bodies?

The Central registry is the Central Authority of British Columbia.

21. For how long is the accreditation granted?

Accreditation is granted for a period of 3 years.

22. What are the conditions for renewal of accreditation?

Conditions of accreditation are that all of the accreditation criteria noted above needs to be re-met every 3 years, and the agency must remain in good standing.

D. Authorisation of foreign accredited bodies

23. In your State how do you define "authorisation" in the context of Article 12? Do you have criteria for authorisation?

Authorisation is defined as the Country of Origin allowing the accredited agency to facilitate adoptions from their country. British Columbia does not set the criteria for authorisation, as we believe the authorisation to be the jurisdiction of the country of origin.

24. Who makes the decision to authorise accredited bodies in accordance with Article 12? Is your process of authorisation formal or informal? Please describe the process.

N/A

25. Is the Permanent Bureau informed of the authorisations?²

N/A

Receiving State questions

26. As a receiving State, can you provide the current numbers of accredited bodies authorised for individual countries of origin?

As stated above, British Columbia does not authorise accredited bodies for individual countries of origin. However, we are aware that our accredited bodies most commonly work in the following Hague Countries – China, India, Philippines, USA.

27. On what basis does the accredited body seek authorisation to work in a State of origin?

N/A

28. What factors or criteria are relevant for the Central Authority (or competent authority) to consider when giving or denying authorisation to work in a State of origin?

N/A

State of origin questions

29. As a State of origin, have you authorised foreign accredited bodies to undertake intercountry adoptions in your State (see Art. 12)? How many accredited bodies are currently authorised and from which receiving countries? How many were authorised as at 31 December 2005?

N/A

30. As a State of origin, is the foreign accredited body required to be fully accredited by your State and by your procedures, rather than simply "authorised"?

N/A

² "Where a body accredited in one Contracting State is, in accordance with Article 12, authorised to act in another Contracting State, such authorisation should be communicated to the Permanent Bureau by the competent authorities of both States without delay", Recommendation No 3 of the 2005 Special Commission (reaffirming Recommendation No 2 of the 2000 Special Commission).

31. As a State of origin, how do you decide how many foreign accredited bodies are needed in your State?

N/A

32. Countries of origin: If you authorise a foreign accredited body to "act" in your State, does this mean:

- a) the foreign accredited body must establish an office with professional staff (nationals of the State of origin or of the receiving State)?
- b) the foreign accredited body can "act" in your State through an individual facilitator or intermediary
- c) the foreign accredited body does not have an office or intermediary in the State of origin and it liaises directly with the Central Authority?

N/A

33. Countries of origin: have you experienced any difficulties with foreign accredited bodies working with or in your State?

N/A

E. Supervision and review of accredited bodies

34. How do you supervise bodies accredited in your State (Art. 11 c))? Are regular reports required such as annual reports (including financial reports) from the accredited body to the supervising authority?

Reports are required every 3 months that outline the number of adoptions completed, the number of homestudies completed, any non-approvals of applicants, any disruptions, and description of any concerns. Additionally, an annual report summarizing the agency's activities is required. The agency must also submit an annual financial report which has been audited by a third party.

35. What supervision occurs in the State of origin of authorised foreign accredited bodies?

There is no direct supervision in the State of origin by the Central Authority of British Columbia. We rely on the information received from the state of origin regarding the child's availability for adoption, and information from Citizenship and Immigration Canada regarding documentation verification.

36. How is the performance of the accredited body assessed or evaluated?

The Central Authority for British Columbia currently monitors the activities of its accredited agencies through a quality assurance process which includes reviewing closed files, investigating complaints brought forward by the public and the re-licensing procedure conducted every three years.

37. Does the supervising authority have the power to make regular inspections of and reports on the accredited bodies? Have secrecy or privacy laws hindered inspections?

The Central Authority for British Columbia has the legal authority to request copies of records in relation to any services provided under the Act.

38. Do you require accredited bodies to report on any problems with intercountry adoptions, such as problems with particular countries, procedural problems or problems with implementation of the 1993 Hague Convention (see Convention Art. 33)?

Accredited agencies are encouraged to report any problems, and will do so when the issues hinder the adoption process. However, there is no legal requirement for them to do so.

39. Does your law have provisions to deal with breach of duties or breach of the

conditions of accreditation by accredited bodies? *E.g.*, Suspension or revocation of accreditation or authorisation? Other penalties / measures? Please give details.

Yes, the Central Authority for British Columbia has the authority to suspend the license of the accredited agencies.

The license can be suspended on the following grounds:

- (a) the adoption agency is not, in the opinion of the Central Authority,
 - (i) giving paramount consideration to the best interests of the children who are being placed for adoption by the adoption agency,
 - (ii) operating in a manner that is in the best interests of the persons who are receiving the adoption services, or
 - (iii) operating in accordance with the requirements of the Act, the conditions of its licence, or the standards of operation for adoption agencies under this regulation;
- (b) the accredited agency has made a material false statement in an application for a licence or the renewal of a licence;
- (c) a change has occurred in the board of directors of the society or the employees or contractors of the adoption agency that would be grounds for refusing to issue a licence if the society were applying for a licence for the first time;
- (d) a member of the board of directors of the society or an employee or contractor of the adoption agency has contravened the Act or the regulations, the constitution or bylaws of the society, or a condition of the licence issued to the society;
- (e) any other circumstance that, in the opinion of the Provincial director, is a cause for concern respecting the operation of the adoption agency.

40. If accreditation has been suspended or withdrawn and is later re-instated, what conditions, if any, apply after re-instatement?

The Central Authority would likely set and review the conditions dependent on the infraction.

41. Is it possible to suspend or withdraw accreditation if the general situation in the State no longer offers the necessary guarantees for intercountry adoptions?

If it is determined that an accredited agency is not completing adoptions in a manner that serves the best interests of children, it is technically possible to suspend the accreditation. However, there would need to be strong grounds to

suspend an accreditation.

42. Are there restrictions upon activities of accredited bodies (e.g., advertising their services; advertising, including on the internet, of adoptable children; limits on amounts that can be charged for fees and other expenses)?

The advertising of services provided by an adoption agency and promotional material about an adoption agency must be truthful and accurate and not be misleading to the public. The advertising or promotional material referred to in subsection must not

- (a) identify any parties to an adoption or a proposed adoption,
- (b) claim that a particular adoption agency can guarantee adoption placement of a child with approved applicants,
- (c) claim that an adoption agency can assure an expeditious placement,
- (d) claim that the services of one adoption agency are superior to those of another, or
- (e) state statistical information respecting the number of placements made by the adoption agency.

An adoption agency may, in exceptional situations, request approval of the Provincial director to advertise in an attempt to secure suitable adoptive parents for a specific child. The use of advertising or promotional material related to fund raising by an adoption agency must respect the dignity and sensitivity of those on whose behalf the fund raising is being conducted. An adoption agency must not charge birth parents a fee. An adoption agency must not solicit or accept voluntary contributions of money from prospective adoptive parents or adoptive parents at any time before the granting of an adoption order, or for 6 months after the granting of an adoption order.

43. Are you aware of any acts or behaviour by accredited bodies that contravened your accreditation criteria? Please also provide details of any sanctions or penalties applied?

No.

44. What are the means used by the authorities supervising accredited bodies in order to improve good practices or remedy breaches in relation to requirements for accreditation or as regards to behaviour?

The primary means to improve practice of accredited agencies is providing frameworks for good practice. The Central Authority will provide the agencies with practice advisories, and request that the agencies participate in completing questionnaires related to good practice. Should a complaint arise about an agency's practice, the complaint is investigated by the Central Authority, and if founded, recommendations for changes in practice are presented to the accredited agency and then monitored by the Central Authority.

45. Is there collaboration among the accredited bodies working in the same State of origin, or in different countries? If so, what kind of collaboration?

Yes. The accredited agencies meet amongst themselves on a bi-annual basis and also have regular contact throughout the year to discuss adoption procedures and practices.

46. Is the information on each accredited body's website regularly checked by the supervising authority? By an authority in the State of origin with which it co-operates?

Yes.

F. Financial issues

47. How are your accredited bodies financed?

The agencies are not-for-profit societies who receive no government monies. One of the agencies receives some financial backing from the religious organization it is affiliated with. Otherwise, the agencies are financed through the adoptive parents who pay for the individual services received by the agency.

48. How are fees and charges set? *E.g.*, by accredited bodies themselves, by a public authority. Is there bilateral co-operation between your State and other countries to establish appropriate fees for the 2 countries concerned?

The fees are set by the accredited bodies themselves and receive approval from the Central Authority. Please note the approved fees are the fees charged only by the accredited agency, and do not include fees charged by foreign authorities, orphanages or other contractors or facilitators.

49. Is detailed information about all the fees, charges and costs associated with an intercountry adoption available easily to adoptive candidates and other authorities?

Detailed information about the fees will be provided by the agency, when specifically requested.

50. How and when is that information provided to adoptive candidates?

The information should be provided to the adoptive parents at the onset of services.

51. How is financial transparency and accountability of accredited bodies achieved? *E.g.*, by standard bookkeeping? Receipts and proof of purchases? Reports submitted with financial statement?

The annual financial statement must be prepared by a person who is a member in good standing of the Canadian Institute of Chartered Accountants. This statement is shown to the board of directors of the agency before it is submitted to the Central Authority for British Columbia.

52. Do you allow donations to be paid to children's homes by the accredited bodies or prospective adoptive parents? Under what conditions?

Yes. The Central Authority does not directly monitor the donations paid or the conditions.

53. The costs relating to adoption are extremely difficult to evaluate. Can you state the average amount or range (smallest to highest amount payable) for the following items.

Costs in the receiving State

- a) registration with an accredited body - \$300.00 average
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc. - \$2500.00 average.
- c) costs for adoption training and preparation courses for prospective adoptive parents - \$300.00 average
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.) - \$3000.000 average
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin. Social work staff are generally paid \$32.00 per hour. Administrators receive approximately \$70,000 per year.
- f) cost of professional services in the receiving State (*e.g.*, lawyers, notaries, doctors) - these costs are not monitored by the Central Authority
- g) other - please specify.

Costs in the State of origin

- a) the body's administrative costs, [This information is not known to the Central Authority.](#)
- b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.), [This information is not known to the Central Authority.](#)
- c) co-ordination of the case through (in-country staff of) the accredited body, [This information is not known to the Central Authority.](#)
- d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin, [This information is not known to the Central Authority.](#)
- e) cost of filing of the documents with the appropriate authorities, [This information is not known to the Central Authority.](#)
- f) translation and assistance, [This information is not known to the Central Authority.](#)
- g) legal or administrative costs in the State of origin, [This information is not known to the Central Authority.](#)
- h) transport and hotel costs for the adoptive parents. [This information is not known to the Central Authority.](#)
- i) humanitarian contribution and donation to the orphanage, etc., [This information is not known to the Central Authority.](#)
- j) other – please specify.

54. What is the relation between adoption fees (and contributions) and actual costs? Is it calculated for the whole budget of the accredited body, or per State, or does each adoption carry its own costs? How is the relation between fees and actual costs supervised?
Unknown
55. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?)

State of origin questions

56. In the State of origin, who is responsible for the co-ordination of the costs: an accredited body's employee? A third-party? In case of a third-party, how is he selected? How is he financed? How is he evaluated? What mechanisms are in place to ensure that these costs are reasonable and transparent? What are the factors that make these costs vary from one adoptive file to another?
N/A

G. Operational issues

57. Which are the tasks carried out by accredited bodies in your State? Tick boxes if applicable. For countries of origin, please specify if your own national accredited bodies or foreign accredited bodies perform the tasks.

Receiving State questions

- Determination of eligibility of prospective adoptive parents (legal criteria)
- Evaluation of suitability of prospective adoptive parents (psychosocial criteria)
- Decision granting approval for the prospective adoptive parents to adopt
- Information and preparation of adoptive parents for intercountry adoption
- Make the matching decision
- Counselling of PAPs about child proposed to them (the proposed match)
 - Agreements under article 17 of the 1993 Hague Convention. [This agreement is provided by the Central Authority, based on the information provided by the accredited agency.](#)
- Arrange to file documents with Court or authority of State of origin
- Report to supervising authority on status of the adoption
 - Assist PAPs with Travel preparations. [Usually, a third party will assist in travel.](#)
- Follow, know, understand, and supervise the procedure for the adoption
- Other tasks: please provide details

State of origin questions

- Assessment of the adoptability of a child
- Work with birth parents on family preservation to avoid adoption of the child
- Decision on the adoptability of a child
- Counselling and information for birth parents / consequences of consent
- Obtaining Consent
- Search for parents in cases of abandonment
- Assume responsibility for the child prior to the adoption
- Prepare the child for adoption
- Agreements under Article 17 of the 1993 Hague Convention

- File adoption documents with court or authority
- Search for socio-biological background information of child and birth family and reunion with birth family
- Make the matching decision
- Preparation of the adoptive child
- Assistance provided to the adoptive parents during their stay
- Other tasks: please provide details.

N/A

H. Post adoption services and reports

58. What post adoption services do your accredited bodies offer (e.g., counselling and family support)? Is provision of post adoption services one of the conditions of accreditation?

Accredited agencies may provide post adoption services such counselling and support, mediating openness with birth parents, and interactive support groups.

Yes, the provision of post adoption services is one of the conditions of accreditation.

59. Are there any publicly funded post adoption services?

The Central Authority does contract with a third party to provide pre and post adoption support services that are open to all adoptive families whether adopting internationally or domestically.

Receiving State questions

60. Do accredited bodies have to provide regular reports on the child? To whom are the reports sent e.g., Central Authorities of State of origin and of receiving State? Other?

Generally, post placement reports are only undertaken at the request of the State of Origin. If an adoption order has already been granted in the foreign jurisdiction, and the foreign jurisdiction has not indicated the need for post placement reports, British Columbia cannot mandate adoptive families to complete them.

61. Do your accredited bodies prepare the post adoption report or do they ask the adoptive parents to prepare it and send it to the State of origin? If a public authority is responsible for post adoption reporting, please explain.

Again, how post adoption reports are prepared are dependent on the requirements of the country of origin. If they request an accredited agency to complete it, then that requirement is followed, and if it is acceptable to the country of origin that adoptive parents complete that report, then that decision is respected.

62. How do you monitor the obligation to the State of origin to send post adoption reports? We would need to be advised by the State of origin that the post adoption reports are not being sent. Otherwise, we assume that the accredited agency and adoptive parents are honouring their commitment.

J. Approved (non accredited) bodies and persons³

63. Does your State permit approved (non-accredited) bodies or persons (see Art. 22(2))

³ The term "non-accredited person" was used in the Explanatory Report of Professor Parra-Aranguren to refer to the person in Art. 22(2). Some countries now employ the term "approved person" when referring to person in Art. 22(2). However, the 2005 Questionnaire responses revealed enormous confusion when the term "approved persons" was used. Consequently, the Guide to Good Practice has followed the usage of the Explanatory Report to try to improve the public's understanding of the functions of these particular persons. The term "approved (non-accredited) person" is a compromise to retain the precision of the Explanatory Report, but recognises the usage by some countries of the term "approved person".

to arrange intercountry adoptions. If not, go to Question 68. If yes, N/A

64. Have you informed the Permanent Bureau of the details of approved (non-accredited) bodies or persons in your State, as required by Article 22(3)? Is the information which is currently on the Hague Conference website up to date? [N/A](#)
65. What are the guidelines by which approval is granted? [N/A](#)
66. What is the process by which approval is granted and renewed? [N/A](#)
67. How is the supervision of approved (non-accredited) bodies or persons carried out in your State (Art. 22(2))? [N/A](#)

68. Has your State made a declaration under Article 22(4) to prohibit the involvement of approved (non-accredited) bodies or persons in intercountry adoptions? [N/A](#)
69. Are you aware of any acts or behaviour by approved (non-accredited) bodies or persons that contravened their conditions of approval? Please also provide details of any sanctions or penalties applied. [N/A](#)

State of origin questions

70. As a State of origin, do you allow approved (non-accredited) persons or bodies from abroad to "act" in your State (as a similar procedure to authorisation of accredited bodies under Art. 12)? [N/A](#)

K. Development aid activities

71. Are accredited bodies required to or permitted to engage in humanitarian projects or development co-operation activities in countries of origin? [The Central Authority of British Columbia does not provide specific permission for BC accredited agencies to engage in humanitarian projects, but the accredited agencies may choose to do so.](#)
72. What types of activities are undertaken? [BC accredited agencies have fundraised monies to improve conditions in orphanages and have engaged in training with social workers in countries of origin.](#)
73. How do you ensure that the humanitarian aid does not influence or jeopardize the integrity of the intercountry adoption process (e.g., by the expectation of a regular "supply" of children in exchange for regular humanitarian or development aid)? [The Central Authority for British Columbia does not monitor this.](#)

L. Co-operation between countries

74. Have you experienced any difficulties in obtaining assistance or co-operation from other Central Authorities in regard to accredited bodies? [No](#)
75. Have you experienced any difficulties or concerns regarding the supervision of accredited bodies in other countries? [No.](#)
76. Have you experienced any difficulties with other countries or Central Authorities because you do not use accredited bodies? [No.](#)
77. Are there any particular aspects of your accreditation procedures e.g., good practices that you would like to bring to the attention of other States? [No. However, we would be interested in learning how other Central Authorities in receiving states effectively monitor humanitarian aid provided in the countries of origin.](#)
78. Do you have any other comments about any of the topics covered by this Questionnaire?

State of origin questions

79. Have you experienced any pressure from foreign accredited bodies? [N/A](#)

Adoption Agency Re-Licensing Requirements

Pursuant to *Adoption Agency Regulation Section 3(1)(a) & (b)* an application for a license renewal must be submitted to the director at least 60 days before the expiry date of the license or such shorter time as is acceptable to the director. The application must be accompanied by all of the following:

“(a) a statement confirming that the information and documentation provided under section 2 (1) at the time of the application for a license, or under this section at the time of the last license renewal, has not changed or, if there has been any change in that information or documentation, a statement setting out the change or a copy of the documentation;

(b) any other information or additional documentation referred to in section 2 (1) that the director considers necessary to determine the ability of the adoption agency to continue to provide the services and carry out the responsibilities of an adoption agency.”

The office of the Director considers it necessary to have submitted a new business plan, along with current financial statements and fee schedules as outlined in section 7, 8 and 9 below. The evaluation criteria is used by Director to assess whether the license can be renewed.

The agency must comply with all self-reporting requirements associated with licensure.

1. CORPORATE INFORMATION

A. Adoption Agency License

Requirement	Evaluation Criteria
Current licenses must be prominently displayed in an area visible to the public (such as a reception area).	<ul style="list-style-type: none"> • Copy of the adoption agencies current license • Description of area in which license is displayed

B. Certificate of Incorporation as a Society under the Societies Act of BC and Confirmation of Good Standing

Requirement	Evaluation Criteria
The organization is legally authorized to operate as a not-for-profit organization with its own governing body that is incorporated in British Columbia and has a duly promulgated charter, constitution, and/or bylaws.	<ul style="list-style-type: none"> • Copy of the Certificate of Incorporation under the Societies Act of British Columbia. Director of Adoption will confirm that Society is in good standing.
Certificate of Incorporation must be prominently displayed in an area visible to	<ul style="list-style-type: none"> • Description of area in which certificate is displayed

the public.	
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C. Constitution and Bylaws of Society

Requirement	Evaluation Criteria
The non-profit organization's charter, bylaws, constitution, or similar written document establishes the organization's structure, size, and the responsibilities of the governing body and/or the advisory board, as appropriate.	Copy of constitution and bylaws of Society which describe: <ul style="list-style-type: none"> • the organization's structure, • size of governing body, advisory board • list of members (see 2(B)) • responsibilities of governing body/advisory

2. BOARD OF DIRECTORS

A. Board of Directors of Society

Requirement	Evaluation Criteria
The Board of Directors of the Society must demonstrate a sound knowledge and experience in adoptions.	<ul style="list-style-type: none"> • List of members of Board • Evidence that three members of the Board of Directors are knowledgeable about or have experience in adoption, including but not limited to: <ul style="list-style-type: none"> • a resume or CV outlining relevant experience/knowledge or direct service delivery experience, • identification as an adopted person, a birth parent or an adoptive parent.

B. List of Advisory Committee Members

Requirement	Evaluation Criteria
If at least 3 members of the Board of Directors are not knowledgeable about or do not have experience in the field of adoptions, an advisory committee (non-employees) must be established to advise the Board on matters of adoption. The advisory committee must be knowledgeable about or have experience in adoptions.	<ul style="list-style-type: none"> • List of members of advisory committee • Evidence that members of the Advisory Committee are knowledgeable about or have experience in adoption, including but not limited to: <ul style="list-style-type: none"> • a resume or CV outlining relevant experience/knowledge or direct service delivery experience, • identification as an adopted person, a birth parent or an adoptive parent.

3. STAFF

A. Adoption Agency Staff

Requirement	Evaluation Criteria
Social Work staff employed by the adoption agency must be registered by the Board of Registration for Social Workers(BRSW) of the Province of British Columbia	<ul style="list-style-type: none"> • List of employed social work staff, • Statement from administrator that staff's Registration is current.
The agency has verified the credentials of all social work personnel including: <ul style="list-style-type: none"> a. education and training; b. relevant experience; c. competence in the required role; d. recommendations of former employers 	<ul style="list-style-type: none"> • Statement from administrator that credentials of all social work personnel has been verified. • Summary of agency procedures used to verify credentials of social work personnel
All agency staff must undergo a police Criminal Record Check, Attorney General Criminal Record Review (CRRRA) and a MCFD Prior Contact Check at time of hiring.	<ul style="list-style-type: none"> • Copy of procedure to ensure that all staff files contain proof of CRC's
The Agency Administrator is qualified by training or experience to operate an adoption agency and to work in the field of adoptions.	<ul style="list-style-type: none"> • Documentation of the Administrator's qualifications such as CV or resume and or statement from the Board of Directors speaking to the following qualifications; : <ul style="list-style-type: none"> • a bachelor's degree, preferably an advanced degree, from an accredited college or university in a field related to the organization's services; • at least five years of related adoption experience; • comprehensive knowledge of the Adoption Act, regulations and other applicable legislation • assessed competence in administering and providing services to individuals, families, and/or children; • management skills in addressing human resources, budget requirements and contract management and • the ability to coordinate the

	<p>organization's services with other community resources.</p> <ul style="list-style-type: none"> • Sample of annual performance evaluation of Administrator and the date the last evaluation was done.
The Agency Administrator has current delegation from the Director of Adoption under Section 70 of the <i>Adoption Act</i>	<ul style="list-style-type: none"> • Current letter of delegation for administrator and, • Current letter of delegation for acting administrator in the case of the Administrators absence
Social Work staff contracted by the adoption agency are registered by the Board of Registration for Social Workers of the Province of British Columbia.	<ul style="list-style-type: none"> • List of contracted social work staff • Statement from administrator that staff's Registration is current.

B. Contracts with Consultants/Facilitators, Performance Expectations and Performance Measurement Tools.

The adoption agency uses written contracts that contain all significant terms and conditions in accordance with British Columbia <i>Adoption Act, Adoption Regulations and Adoption Agency Regulations</i> .	Copies of contracts with all facilitators/contractors.
The adoption agency that contracts with providers for services carries out the contracting process according to established procedures and with due regard for standards of best practice.	<ul style="list-style-type: none"> • Copy of procedures for monitoring activities of contractors • Information regarding expectations and knowledge base of contractor in the areas of British Columbia, intercountry, and <i>Hague</i> procedures and principles of <i>Hague Convention</i>
The adoption agency requires its consultants/contractors to have knowledge of and follow all relevant policy standards, legislation and regulations such as the British Columbia Fact Sheets, British Columbia and Federal Government Alerts, <i>Adoption Act, the Hague Convention</i> , Canadian Immigration laws and requirements of other countries where applicable.	<ul style="list-style-type: none"> • Evidence of agency's procedures to ensure current knowledge is known and available.
Agency policy prohibits payment directly from the client to any contractor involved in the facilitation of intercountry adoption services.	<ul style="list-style-type: none"> • Statement in each contract detailing method of payment to the contractor. • Client files to contain a copy of the contract and signature that the client understands the payment process. • Fact Sheet or other evidence that ensures clients are advised of this policy.

4. SUPERVISOR, MANAGEMENT AND PROGRAM EVALUATION

A. Description of Personnel Management Practices of Adoption Agency

Requirement	Evaluation Criteria
<p>The adoption agency provides to all new and established employees a manual, handbook, or other documentation that outlines the organization's current policies and procedures regarding:</p> <ul style="list-style-type: none"> a. working conditions; b. wage policy and benefits; c. promotions; d. conditions and procedures for layoffs and retrenchment; e. insurance protections including unemployment, disability, medical care, malpractice liability; f. the use of the organization's premises, motor vehicles, and/or other equipment, as appropriate. 	<ul style="list-style-type: none"> • Copy of agency manual/handbook • Summary/copy of agency procedure indicating that employees understand the organizations polices and procedures and they will agree to adhere to them at all times.
<p>The organization addresses employee complaints, grievances, and appeals by:</p> <ul style="list-style-type: none"> a. develop a complaints process which is consistent with the principles of administrative fairness; b. informing the aggrieved employee of the complaint's resolution process; c. provide a timely written response in thirty days to complaints, grievances, and/or appeals; d. document responses and actions taken in response to the complaint by the adoption agency; e. maintaining a copy of the notification of resolution in the personnel record. 	<ul style="list-style-type: none"> • Agency policy that confirms requirement is fulfilled and/or copy of Employee/Contractor Complaints Process
<p>The organization orients all new personnel within the first 60 days of employment to its mission, objectives, policies, services, and resources including:</p> <ul style="list-style-type: none"> a. the organization's policies and procedures on confidentiality and disclosure of information on persons served, including penalties for violation of these policies and procedures; b. the legal rights of persons served; and c. the responsibility to abide by organizational and professional ethics. 	<ul style="list-style-type: none"> • Copy of Staff Orientation Manual • Policy indicating when orientation is provided to new employees. • Policy indicating process of ensuring orientation is documented in the employee's personnel record.

B. Description of Method of Program Evaluation

Requirements	Evaluation Criteria
<p>The agency demonstrates a commitment to continuous quality assurance (QA) through implementation of a method of program evaluation.</p>	<p>Documentation/policy outlining the quality assurance/program evaluation (QA) method including:</p> <ul style="list-style-type: none"> • description of the agency's QA activities; • assignment of responsibility for conducting QA activities; • defined methods for monitoring and reporting results; and • description of feedback mechanisms
<p>The agency takes remedial steps based on the findings of its QA processes to:</p> <ol style="list-style-type: none"> a. build on strengths; b. determine possible causes when issues of concern are identified; c. identify barriers to achieving long term goals b. eliminate or reduce identified problems; e. implement and monitor the effectiveness of corrective action plans, if required. 	<ul style="list-style-type: none"> • A summary of action taken may be provided upon request.
<p>The agency revises policies and/or operational procedures, personnel assignments, personnel training, contracts, and programs according to recommendations of its QA processes.</p>	<ul style="list-style-type: none"> • A summary of action taken may be provided upon request.

C. Client Complaints Process

Requirement	Evaluation Criteria
<p>The agency has a Client Complaints Process to serve as a formal mechanism for expressing and resolving client complaints and grievances. The complaints process is established by the following procedures; :</p> <ul style="list-style-type: none"> • The complaints process guidelines are given to all applicants at the time of application, and to persons served upon request or at the initiation of a grievance; • Include an appeal procedure; • Provide for a timely resolution of the matter; and • Require a written response to the aggrieved that includes documentation 	<ul style="list-style-type: none"> • Written Client Complaints Process

of the response in the case record.	
The Board reviews patterns of complaints and grievances filed by persons served and addresses specific problematic or unresolved issues that may expose the agency to liability.	<ul style="list-style-type: none"> • As above.
The organization administers a consumer satisfaction survey to all persons served, or a statistically valid sample of persons served	<ul style="list-style-type: none"> • Copy of the agency's Client Satisfaction Survey • Written policy statement and/or proof of survey in client's application/information package.

5. OFFICE FACILITIES

Requirement	Evaluation Criteria
The agency maintains a work environment for its personnel that is conducive to effective performance and has offices or rooms available for interviewing or counseling families and children in a private and confidential manner, as applicable	<ul style="list-style-type: none"> • Municipal address of the adoption agency office(s), phone and facsimile numbers • Physical description of the office premises from which the adoption agency operates.

6. AGENCY SERVICES

The adoption agency must comply with all applicable federal and provincial laws, regulations, policies and procedures associated with service delivery

Requirement	Evaluation Criteria
The adoption agency has a written mission statement and specified purpose that defines how it supports and enhances the lives of the individuals, families, and groups in its community	<ul style="list-style-type: none"> • Copy of Mission or Vision Statement of the adoption agency
An adoption agency must make available services to birth parents, prior to the granting of an adoption order, as described in Schedule 2 of the <i>Adoption Agency Regulations</i> .	<ul style="list-style-type: none"> • Copy of the agency's comprehensive Birth Parent Package • Copy of checklist on Birth Parent File with supporting documentation to ensure compliance with these Regulations
In addition to services required by the <i>Adoption Act</i> , the agency may provide any service that is ancillary to those services.	<ul style="list-style-type: none"> • Written description of agency services, including any non-adoption services.
When requested by the child's country of origin, adoption agencies provide post placement services, including post placement/progress or post adoption	<ul style="list-style-type: none"> • Written plan the agency follows for compliance with the submission of intercountry post placement, progress or post adoption reports.

reports.	
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7. BUSINESS PLAN/SERVICE DELIVERY PLAN

Requirement	Evaluation Criteria
<p>For each three year licensing period, the agency has a new/revised business plan that:</p> <ul style="list-style-type: none"> a. supports the organization’s mission statement , values, and mandate; b. establishes goals and objectives that flow from its mission and mandated responsibilities; c. assesses its strengths and weaknesses; d. assesses human resource needs; e. identifies and formulates strategies for meeting identified goals and; f. is consistent with Adoption Agency Regulation 2(1)(e). 	<ul style="list-style-type: none"> • A business plan for the adoption agency for the three-year period of the license approved/signed by administrator and Chair of Board of Directors.
<p>The adoption agency has a financial plan that is updated every three years, that delineates financial goals that are essential for meeting the organization’s long-term planning</p>	<p>Comprehensive financial plan for the period of the license.</p>
<p>The adoption agency has a written budget that serves as a plan for managing its financial resources for the licensing period.</p>	<p>Same as above</p>

8. FEE SCHEDULE

Requirement	Evaluation Criteria
<p>The agency complies with all applicable laws or regulations governing fee-setting and informs applicants accordingly of how fees are charged, changed, refunded, waived, or reduced</p>	<ul style="list-style-type: none"> • Copy of the Adoption Agency’s Approved Fee Schedule

9. FINANCIAL STATEMENTS AND ANNUAL REPORT

Requirement	Evaluation Criteria
The organization makes available an annual report of fiscal, statistical, and service data that includes summary information regarding its financial position.	<ul style="list-style-type: none">• Copy of the agency's most current financial information, including a balance sheet and income statements.

10. RECORD STORAGE AND SECURITY

Requirement	Evaluation Criteria
All organizational information is safely and securely maintained	<ul style="list-style-type: none">• Description of the agency's file storage and security arrangements

11. LIABILITY

Requirement	Evaluation Criteria
The adoption agency will hold valid liability insurance.	<ul style="list-style-type: none">• A description of general liability insurance coverage.

APPENDICES

Requirement	Evaluation Criteria
An adoption agency advertising under the authority of the <i>Act</i> must do so in compliance with Section 14 of the <i>Adoption Agency Regulations</i> .	<ul style="list-style-type: none">• Copies of all advertising material and information.
The adoption agency maintains a comprehensive policies and procedures manual that includes governing body-approved policy statements	<ul style="list-style-type: none">• Adoption agency policy and procedures manual.