

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 Ontario)***Private and International Adoption**Ministry of Children and Youth Services**Central Adoption Authority for the province of Ontario, Canada***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.
 - (1) *Adoption bodies accredited in Ontario (receiving State) "**licensees or licensed adoption agencies**" (Registered non-profit corporations). They are **licensed** by the Ministry of Children and Youth Services which is the provincial central authority for the province of Ontario to facilitate intercountry adoptions completed in the child's country of origin under Ontario's Intercountry Adoption Act, 1998 (IAA) or to place children from foreign jurisdictions for adoption in Ontario under Ontario's Child and Family Services Act (CFSA).*
 - (2) *Ontario licensees or licensed adoption agencies formally authorised in the State of origin to arrange intercountry adoptions are referred to as having received **foreign accreditation**.*
 - (3) *Ontario does not allow foreign bodies accredited in the State of origins to*

work in Ontario with a view to adoption.

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

- *Ontario is for the most part a receiving State.*
- *Ontario's Child and Family Services Act permits Ontario children to be placed for adoption outside Canada where special circumstances justify the placement. Under the Act, no person other than a children's aid society which is a government funded child welfare agency or a licensee shall take, send or attempt to take or send a child who is a resident of Ontario out of Ontario to be placed for adoption*

The special circumstances required by the Regulations include: the placement fulfils a special need of the child; one of the prospective parents is a Canadian citizen or related to the child; or the placement will preserve the child's cultural background.

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 general information is up to date, however, the link to the list of licensees/adoption agencies has been changed to:

<http://www.children.gov.on.ca/htdocs/English/topics/adoption/internationaladoption.aspx>

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.

Not Applicable

4. How do you define "accreditation" and "accredited body" in your State?
"accreditation" - review process to determine whether new or existing licensee/adoption agency meets the criteria for a licence under the Intercountry Adoption Act, 1998 (IAA) and the Ontario Regulation 200/99. (attached)

"accredited body" - an agency, which is a registered non-profit organization under Ontario Corporation Act, licensed by Ontario Ministry of Children and Youth Services to facilitate adoptions from foreign jurisdictions under IAA or to place children from foreign jurisdiction for adoption in Ontario under CFSA.

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 - Only licensees/licensed adoption agencies holding a valid Ontario licence can facilitate intercountry adoptions on behalf of Ontario residents.
- national representatives of foreign accredited body*
Ontario licensed agencies may facilitate intercountry adoptions through their service contract with a foreign representative/s.
- translators*
Translators are paid by the licensed agencies for services provided. Agencies are required to use services of certified translators.
- lawyers (e.g., with a power of attorney from prospective adopters)*
Ontario licensed agencies may enter into a collaboration agreement with a foreign lawyer to assist their clients with the legal process of an adoption in the foreign jurisdiction.
- guide, drivers, etc.*
May be paid on case-by-case basis by the licensee/adoption agency. Often times these services are optional to the adoptive parents.

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

These actors can only provide services through a collaboration agreement with Ontario licensed agencies.

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 16 adoption agencies and one individual licensed in Ontario to facilitate intercountry adoptions that are finalized in a foreign jurisdiction, under Ontario's Intercountry Adoption Act, 1998.

There are 6 licensees/agencies licensed in Ontario to place children from foreign jurisdiction for adoption in Ontario under the Child and Family Services Act, R.S.O. 1998.

Since January 1, 2006, two licensed adoption agency discontinued their activities as licensees. One agency closed down due to the decrease in the number of adoptions they were facilitating; another agency filed for bankruptcy and surrendered its licence.

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?

The number of licensees/adoption agencies in Ontario seems to be relative to the number of viable intercountry adoption programs.

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?

Ontario does not impose limits on the number of licensees, however, Ontario requires that any new applicant or applicant for licence extension thoroughly researched the foreign program and assessed its feasibility.

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)?

Ontario licence is country specific, therefore, thorough research is required on part of the Ministry as well as the applying agency to determine that adoptions from that specific foreign jurisdiction can be processed in a transparent and responsible manner and in accordance with Ontario's Acts and Regulations.

Receiving State questions

10. (i) Receiving States: does the grant of accreditation automatically include an authorisation to act in:
- a) any State of origin;
No, Ontario license is country specific and may relate to one or more foreign jurisdictions.
 - b) a specified State / States of origin?
Yes, please see above.
- (ii) Do you limit the number of accredited bodies for every State of origin?

Ontario does not pose any restrictions on the number of licensees/adoption agencies licensed for the same foreign program.

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
- 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
- Copy of the standard-form contract between the body and adoptive candidate
- Insurance for legal liability - **Optional**
- Other – please provide details
 - *A written summary of current adoption program/s in each country including the agency's understanding and interpretation of the laws, procedures and practices governing intercountry adoption in the child's country of origin and supporting documents*
 - *Legislative changes in foreign jurisdictions*
 - *List of adoption activities within each adoption program including post-adoption reports*
 - *Number of complaints*
 - *Changes to the Board of Directors and staff*
 - *Training/educational courses staff attended*
 - *Current advertising brochures and/or literatures*

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
 - Contracts with foreign collaborators or intermediaries, their qualifications and mode of payment (monthly salary / flat rate for every adoption)
 - Agreements with orphanages in the countries of origin or internal regulations relating to the handling of cases, and confidentiality rules
 - Copy of the statement of authorisation or approval to work in the State of origin if applicable
 - Evidence of knowledge of the situation (cultural, social and legal) in the State of origin
 - 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
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).

Under the Intercountry Adoption Act, 1998 a licensee must demonstrate knowledge of the legislation of Canada, Ontario and foreign jurisdictions relevant to intercountry adoptions, must have proper training, experience and expertise and

must be able to provide services and carry out administrative procedures in accordance with the Act and Ontario Regulation 200/99.

Although professional qualifications are not required under the IAA, each licensee/ licensed international adoption agency must have access, when needed, to the services of a legally qualified medical practitioner including a psychiatrist, approved adoption practitioners, persons who provide international adoption orientation and preparation, a barrister and solicitor, and a person registered as a psychologist under the Psychologists Registration Act.

13. If volunteers are used, what is the ratio of volunteers to professional staff?
Due to confidentiality of adoption records, the use of volunteers is very limited.
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?

Licenees/adoption agencies must enter into a service agreement with their clients. Typically, an agreement will contain the following information: description of the role and responsibilities of the licensee, outline of Ontario's legislative requirements, step-by-step process in Ontario and in foreign jurisdiction, agency fees and foreign fees, schedule of fees and disbursements, immigration process, refund policy, conditions for annulment of the agreement.

ROLE AND RESPONSIBILITY OF THE LICENSED INTERNATIONAL ADOPTION AGENCY:

- *The licensed international adoption agency is responsible for the overall management of the international adoption process until the adoption is legally completed and the child safely enters Ontario.*
- *The agency's foremost responsibility is to ensure the best interests of the child.*
- *Only licensed agencies may facilitate an international adoption finalized in the child's country of origin on behalf of Ontario residents. "Facilitate" means any of the following:*
 - *Receive an application under section 5 of the Intercountry Adoption Act, 1998.*
 - *Submit a report of an adoption homestudy to a Director.*
 - *Present a proposal to adopt a particular child to an applicant whose eligibility and suitability to adopt has been approved by a Director.*
 - *Submit an applicant's consent or refusal to adopt a particular child to the appropriate adoption authorities.*
 - *Submit a progress report on a child who has been placed for adoption but whose adoption has not yet been finalized, to the appropriate adoption authorities*
- *For adoptions where the child's country of origin has implemented the Hague Convention on Intercountry Adoption, licensed agencies must also:*
 - n *Take all necessary steps to obtain permission for the child to leave the State of Origin and to enter and reside permanently in Ontario.*
 - n *Ensure that the transfer of the child takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive or prospective adoptive parents.*
 - n *Take the measures necessary to protect a child during a probationary period. (Child is in Ontario with the prospective adoptive parents but the adoption has not yet been finalized in the child's country.*
- *The licensed agency must ensure that the legislation and regulations governing international adoption in Ontario and the child's country of origin are followed.*
- *The agency should ensure that adoptive applicants understand the legal requirements of both countries.*
- *Staff of the licensed agency should advise the applicants of their legal rights and responsibilities through a written contract and discuss with them the offences provisions of the Intercountry Adoption Act, 1998.*
- *The licensed agency is held accountable by the Ministry for compliance with the IAA and its regulations, the Ministry's standards and guidelines and licence conditions.*
- *The Ministry also holds the licensed agency accountable for the actions and services provided by its employees and all other persons or organizations (both in Canada and other countries) with whom it contracts for the services connected*

- *with an intercountry adoption.*
- *The Program Director or a designated knowledgeable staff member of the agency must be available to discuss case specific issues with applicants directly by telephone or in person*

15. What are the role and responsibility of the Central Authority or competent authorities with respect to the training of accredited bodies?

Ontario Ministry of Children and Youth Services, Private and International Adoption Unit, provides consultation and training to licensees/adoption agencies. The training is delivered annually by way of a business meeting, workshops, presentations and lectures. Attendance of licensees/adoption agencies is mandatory and is subject to a license renewal.

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

The confidentiality of information is addressed in the licensee's/adoption agency's service agreement with the clients.

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

It is the responsibility of the licensed agency to maintain a permanent record of the international adoption unit such time as the agency ceases operation. At the point when an agency ceases operation or the licence is revoked, any material which has not previously been sent to the ministry (e.g. case notes, additional background information, post-adoption correspondence etc.) should be sent to the Director.

Section 18 of the Intercountry Adoption Act states the following:

"A licensee whose licence is revoked or who ceases to facilitate intercountry adoptions shall deliver up to a Director or to the Minister the licence and all the records in the licensee's possession or control that relate to intercountry adoptions."

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 Ministry of Children and Youth Services is responsible for the legislation and regulations governing adoptions in Ontario. The Private and International Adoption Unit of the Ministry of Children and Youth Services performs the following functions with respect to domestic and international adoptions:

- *Carries out the Ministry's functions as a Central Authority for the province of Ontario for the purpose of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption (known as the Hague Convention).*
- *Licenses non-profit corporations under the Intercountry Adoption Act to facilitate international adoption completed in foreign jurisdictions.*
- *Monitors licensed international adoption agencies and approved adoption practitioners and promotes good standards for international adoption practice.*
- *Approves private adoption practitioners to complete homestudy assessment reports.*
- *Reviews and approves adoptive applicant's suitability and eligibility to adopt for international adoptions based on a review of a homestudy completed by a ministry- approved adoption practitioner.*
- *Reviews and approves adoption proposals based on background information about a child, where required by the child's country which is a signatory to the*

- Hague Convention or requested by the adoption authority in the child's country.*
- *Recommends adoption finalization to an Ontario court after a probationary period based on a progress report submitted by a licensee. (CFSA adoptions)*

REQUIREMENTS FOR APPLICATION FOR A LICENCE UNDER THE INTERCOUNTRY ADOPTION ACT, 1998.

- *An applicant must be registered as non-profit organization under Ontario's Corporation Act.*
 - *Must maintain a fully operational office within the province of Ontario.*
 - *An applicant must submit to the ministry director:*
 1. *an application for a licence or for renewal of a licence as well as a fee of \$1800.00. The fee is non-refundable.*
 2. *A signed undertaking documenting applicants' working knowledge of Acts and Regulations of Ontario and prescribed foreign jurisdiction in which the applicant intends to operate. Working knowledge of the Hague Convention, Citizenship and Immigration Canada, Freedom of Information and Protection of Privacy Act.*
 3. *Information, such as Curriculum Vitae and police clearances for each member of the Board of Directors, agency's Executive Director and staff.*
 4. *Information about the manner in which the licensee applicant intends to provide facilitation services*
 - *Must attend an interview with the Ministry.*
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.

Ontario licensed agencies are required to comply with the ministry's Standards and Guidelines. Attached is an electronic copy of:

- *Standards and Guidelines for Licensed International Adoption Agencies under The Intercountry Adoption Act, 1998 and Ontario Regulation 200/99 (Please refer to Section B2- Obtaining and Maintaining a Licence)*

LICENCE APPLICATION/LICENCE APPROVAL GUIDELINES:

The ministry reviews the application regarding the professional competence of the applicant to carry out the legislated roles and responsibilities of a licensee under the applicable Act and regulations. The review takes into consideration the completeness and timeliness of the documentation submitted to the ministry.

At the final stage of the review period, the Director renders a decision regarding the issuance of a licence. In making the decision, the Director considers whether, in his/her opinion, the applicant has:

- *submitted, or had submitted on the applicant's behalf, the documentation necessary, including translations acceptable to the ministry of all relevant documents (e.g. legislation of other countries) as appropriate;*
- *demonstrated adequate theoretical knowledge*
- *acted always in the best interest of the child*
- *adequately addressed issues related to international adoption, current public, private and international adoption processes*
- *demonstrated comprehensive knowledge of relevant legislation and best practices;*
- *was aware of the roles and responsibilities of all parties involved in the adoption – related activities (e.g. licensee, private adoption practitioners, ministry's Private and International Adoption Unit, Central Authority in Ontario, Canada and other countries), and*
- *demonstrated practical knowledge and professional ability that meet professional standards of practice, including capacity for exercising a high level of judgement and managing all aspects of the adoption process.*

Please refer to Section 8-18 (Licensing and Hearings) of the Intercountry Adoption Act and Section 6 (Expenses for which fees may be charged), Section 9 (Licences), Section 10-12 (Records and Reports) and Section 13 (Power of entry) of Ontario Regulation 200/99 (electronically attached)

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

The list of licensees is available on the ministry website at: www.children.gov.on.ca

21. For how long is the accreditation granted?

A licence expires one year after it is issued.

If the licensee has applied for renewal of the licence and paid the prescribed fee before the expiry date, the licence is deemed to continue either until the Director grants the renewal or if a decision has been made not to renew the licence and the licensee has appealed the decision, until the appeal of the decision has been determined. If an application for renewal is not made within the prescribed time, the licence will have expired and no further placements or facilitation services may be provided.

22. What are the conditions for renewal of accreditation?

- *A licensee must submit an application for a licence renewal prior to the expiry date of their licence and must pay the prescribed fee.*
- *A licensee must provide information regarding:*
 - *any changes to the basic information relevant to the licensee (e.g. address, telephone number) including any changes to member of the board of directors and officers of the corporations, as applicable;*
 - *any changes to the staff and, for new staff, information regarding their training, experience, knowledge and expertise;*
 - *any changes to the professional services accessed by the licensee (e.g. qualified medical practitioner, approved social worker, etc.), and*
 - *any changes to the legislation or requirements of foreign jurisdictions relevant to intercountry adoptions and approved translations.*

The renewal application form must be signed by the licensee indicating its agreement to comply with the applicable Act and its regulations.

The review process is based on similar principles as a review of a new licence application. Attention is placed towards licensee's compliance with the Act, Regulations and licence conditions. Particular notice may be taken of repeated requests for missing information, manner of dealing with birth parents or adoptive applicants, complaints, delays in submission of the foreign final adoption order, as well as the history of attendance at ministry training sessions.

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? n/a

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?

Following is the breakdown of individual countries and the number of licensees/adoption agencies licensed to facilitate intercountry adoptions from those

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).

countries:

India - 4 licensees/adoption agencies; Sri Lanka - 1; Pakistan - 4; St. Vincent and Grenadines - 1; Peru - 1; China - 4; Philippines - 3; Lithuania -1; Russia - 2; Serbia - 1; Kazakhstan - 3; Ghana - 1; Albania - 1; Haiti - 1; Bulgaria - 3; South Africa - 1; Ukraine - 4; Vietnam - 2; USA - 3; Honduras - 1; Bangladesh - 1; Jamaica - 3; Lebanon - 1; Thailand - 2; Trinidad and Tobago - 1; Guyana - 2; Korea - 1; Nepal - 1; Ethiopia - 1; Zambia - 1

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

Licensees must seek foreign accreditation if it is required by the country of origin. Before foreign accreditation is received, licensee is required to obtain an Ontario licence for the specific foreign program. The licensee may not facilitate adoptions from that program until they have received foreign accreditation, copy of which must be submitted to the ministry Director.

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?

Please refer to #19 (License application guidelines).

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?
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"?
31. As a State of origin, how do you decide how many foreign accredited bodies are needed in your State?
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?
33. Countries of origin: have you experienced any difficulties with foreign accredited bodies working with or in your State?

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?

Please refer to #22 (Licence renewal guidelines). Furthermore, licensee must submit an annual report to the Ministry containing the following information:

Summary Data:

- *Number of applications taken*
- *Number of homestudies submitted to Director*
- *Number of adoption proposals presented*
- *Number of applicant consents/refusal to proposal submitted to Director*
- *Number of post adoption reports*
- *Number of completed adoptions*

Detailed Data:

- *Fee schedule for prescribed classes of expenses*
- *Fee schedule for legal fees*
- *Completed financial activity report on the form provided by the ministry*

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

We are unable to comment. Ontario requires a copy of the foreign accreditation for our records. Ontario has no influence over the foreign country's decision for accreditation or re-accreditation of Ontario licensees/adoption agencies in their jurisdiction.

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

Performance of a licensee is evaluated annually as part of a licence renewal.

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?

A director has a power of inspection and a power of entry.

Legislative References:

For the purposes of ensuring compliance with .. [the Intercountry Adoption] Act, its regulations and any conditions imposed on licensees, a Director or a person who has a Director's written authorization may, at all reasonable times, upon producing proper identification,

- (a) *enter the premises of a licensee;*
- (b) *inspect the premises and any financial or other records there dealing with activities in connection with intercountry adoptions; and*
- (c) *make copies of the records or remove them from the premises to copy them as may be reasonably required.*

A person entering premises under section 17 of the Act shall produce identification, including evidence of appointment, on the request of the occupier. (Reg. 200/99 s. 13)

It is an offence to hinder, obstruct or attempt to hinder or obstruct a Director or other person in the exercise of the Director's powers of inspection. It is also an offence to refuse to give a Director access to records, information about the premises and licensed agency's activities in connection with intercountry adoption or to knowingly give false information to a Director.

(Please refer to Section 17 of the Intercountry Adoption Act and Section 13 of Ontario Regulation 200/99 attached electronically).

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)?

Licensee/adoption agency must immediately notify the Director of any irregular activity such as a non-licensed agent facilitating the adoption or a payment or proposal to make a payment, or there has been or will be an exchange of gifts or monies that are not permitted under the Intercountry Adoption Act and Regulation (please refer to Section 6 of the Regulation).

A failure to report the type of information outlined above may result in revocation of a licence.

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.

Refusal to renew and revocation of a licence is covered under Sections 10-12 of the Intercountry Adoption Act (enclosed electronically). As well, sections 19 and 20 provide that certain actions are offences for which a person would be liable to a fine or imprisonment.

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

Ontario has not experienced a situation as described above.

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?

Based on consultations with federal Central Authority for Canada and evidence of specific concerns with regard to intercountry adoption in a specific country, Ontario along with other Canadian provinces and territories may place a moratorium on the adoption from that country. Ontario would suspend all adoption activities from that country. Adoption agencies would no longer be able to process adoptions from that country as well.

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 Director may impose restriction upon activities of a licensee/adoption agency by placing conditions on their licence.

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?

A licensed agency presented child proposals to prospective adoptive applicants when the agency was not authorized by the foreign authority to do so. The licensee was reprimanded and a string of conditions were added to their licence. The ministry was closely monitoring the licensee's activities for a period of time to ensure compliance with the ministry's standards and guidelines.

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?

Annual reviews, annual training days, business meetings, information sharing, ongoing communication, promotion of good standards and practices.

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?

The ministry hosts an annual business meeting to provide an opportunity for all licensees and agencies to communicate with the ministry and among each others. Licensees and agencies are invited to meetings organized by Ontario Association of Private Practitioners in Adoption which are held every 2-3 month periods. Licensees and agencies are also able to share their experiences and opinions, knowledge, handle discussions, ask for advice through teleconferencing or a chat room available to members.

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?

The information on the websites of the licensees/licensed agencies should be checked at the time of their annual licence review.

F. Financial issues

47. How are your accredited bodies financed?

Licensed adoption agencies are not funded by the Ontario Government. Licensed agencies charges fees for their services. The agencies are responsible for their own operation and financial management of general and trust funds under the direction

of their Board of Directors.

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?

Licensed agencies charge fees for their services. Ontario Regulation 6 outlines prescribed fees and expenses and outlines services for which fees may be charged. However, the Act does not specify the amounts that may be charged for these prescribed expenses. Therefore, the ministry does not regulate the amounts charged by agencies to their clients.

Ontario does not have any bilateral co-operation agreements regarding fees with other countries.

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

Each licensed agency is required to provide to their clients detailed schedule of fees and disbursements. Fee schedule is available before client enters into a service contract with the agency. Schedule of fees and expenses is included in each service contract between the licensed agency and applicants.

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

Detailed breakdown of fees and expenses is provided to the applicants in writing by licensed agencies. Fee schedule is further explained and discussed at the time of applicants' signing a service contract with the agency. Fees are typically broken down into several segments: agency's fees, foreign fees, in-country expenses.

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?

At the time of an annual review, the licensee must present to the ministry the following information: fee schedule for prescribed classes of expenses, fee schedule for legal fees, completed financial activity report on the form provided by the Ministry.

Furthermore, each licensee must establish and maintain a mixed trust account in a bank, a trust corporation registered under the Loan and Trust Corporations Act or a Province of Ontario Savings Office in which all funds received by the licensed agency from prospective adoptive parents must be deposited.

Trust accounts must be established within the province of Ontario and any funds deposited into the account will also remain within Ontario until withdrawn with the consent of the prospective adoptive parent.

The licensed international adoption agency must maintain a separate client ledger for each adoptive applicant as soon as the registration fee is collected. This ledger must show all deposits and withdrawals, including GST, and any expense incurred prior to registration (e.g. homestudy completed before registration with agency). The ledger must show all billings, payments paid by clients or prospective clients to the licensed agency and to other professionals or third parties, and must distinguish between general and trust account transactions. Billings for services that do not relate to a specific adoption (e.g. registration fee) must also be reported and itemized. Charges may only be made for disbursements that have occurred.

The licensed international adoption agency may only withdraw money paid into this trust account with the consent of the prospective adoptive parent for whom the money is held and only for expenses incurred for services provided by the licensed international adoption agency on behalf of the prospective adoptive parents.

Money remaining in a trust account after expenses are paid must be returned to the person who paid the money to the licensed international adoption agency.

The licensed international adoption agency must prepare a protocol regarding the disbursement of interest accrued on a client's account.

The licensed international adoption agency must reconcile the trust bank balance to the total balance of client ledger accounts on a monthly basis.

The licensed international adoption agency must reconcile bank statement balances to the net balance of the cheque register and case receipts book and to the accumulated balances in the client ledger accounts on a monthly basis.

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

Donations are not listed as part of prescribed expenses under Ontario Regulation 200/99, therefore, donations are not allowed. However, some countries, e.g. China or India require a set donation fee as part of adoption expenses. For those countries, where set donation is officially stated, Ontario allows for such payment.

We are aware that in some States of origins, donation is highly recommended. The licensees must manage these expenses. Many licensees, who also run charitable organizations, channel the donations through their charities.

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,
\$50.00 - \$550.00
- b) administrative costs, establishment and sending of the adoptive candidate's documents, etc.
These costs vary depending on the foreign program requirements and often includes cost of human resources (salaried staff) of Ontario licensee/adoption agency, translations, curriers, notaries, insurance, accounting, long distance telephone, consultations with professionals as required.
\$3,000.00 - 7,150.00
- c) costs for adoption training and preparation courses for prospective adoptive parents
Prospective adoptive parents are required to attend a PRIDE course (Parent Resources for Information, Development and Education) is a nine session course for a total of 27 hours of training.
\$650.00 - \$750.00 (per person)
\$1,200.00 - \$1,500.00 (per couple)
- d) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.)
Not Available
- e) cost of human resources (salaried staff) of the body in the receiving State and in the State of origin
Cost of salaried staff in the receiving State is included in the administrative

- costs (section b). Cost of salaried staff in the State or origin is included in the costs accrued in the State of origin (under sections (a)(c)(e)(g) below).*
- f) cost of professional services in the receiving State (e.g., lawyers, notaries, doctors)
- *Cost of notaries is included in the administrative expenses.*
 - *Services of a lawyer in the receiving country are rarely required. If needed, attorneys will charge a sliding scale fee. Lawyer's fee must be negotiated via the licensee/adoption agency.*
 - *Fees of doctors are not available.*
- g) other – please specify.
Homestudy report: \$2,800.00 - \$3,000.00
Post adoption reporting, if required: \$1,200.00 - \$1,500.00

Costs in the State of origin

- a) the body's administrative costs,
b) cost of procurement of statutory documents (birth or marriage certificates, psychosocial report, etc.),
c) co-ordination of the case through (in-country staff of) the accredited body,
d) cost of professional services (lawyers, interpreters, guides, drivers, etc) in the State of origin,
e) cost of filing of the documents with the appropriate authorities,
f) translation and assistance,
\$300.00 - \$1000.00 (depending on the volume)
g) legal or administrative costs in the State of origin,
The above fees (a,b,c,d,e,g) are generally combined and listed as a foreign service fee. Foreign service fees are estimated between: \$6,500.00 - \$14,500.00 and vary depending on the program.
h) transport and hotel costs for the adoptive parents,
transport and hotel costs are usually not part of the licensee fees and are often referred to as "out of pocket expenses". They vary depending on the applicants' length of stay in a foreign country, accommodation requirements, and personal preferences.
i) humanitarian contribution and donation to the orphanage, etc.,
Not Available. Ontario Regulation 200/99 lists expenses for which the fees may be charged. Donation is not a prescribed expense. Exceptions are made for countries that officially require a standard donation, ie. China, India.
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?

Each licensee has devised a table of fees and expenses for each foreign program for which they carry a licence. The expenses for which the fees may be charged are outlined in Ontario Regulation 200/99 (6).

Licensees have discretion to change fees, if necessary and this is clearly stated in a client service contract with the applicants.

Although Ontario Regulation 200/99 (6) indicates the types of expenses for which the fees may be charged, it does not set the amount. The Regulation also requires that every licensee shall keep a record of all expenditures made and money received with respect to the licensee's facilitation of international adoptions (please refer to Regulation 11 (1)(2)(3) attached).

55. What general comments can you give about costs of intercountry adoption (from the perspective of your own State and in other countries?)

The costs of intercountry adoptions vary from country to country and prove difficult to manage. Different cultures and customs, cost of living and currency exchange in foreign jurisdictions make it difficult for Ontario to properly manage the costs of adoptions. Ontario relies solely on licensees and their input in relation to reasonable charges for adoption services.

Although costs for intercountry adoptions are relatively high, they are, nevertheless, compatible with the costs of private domestic adoptions in Ontario.

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?

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

- No** Determination of eligibility of prospective adoptive parents (legal criteria) (Approval is issued by a ministry director based on a review of the homestudy completed on PAPs by a ministry-approved adoption practitioner)
- NO** Evaluation of suitability of prospective adoptive parents (psychosocial criteria) (*This is done a ministry-approved adoption practitioner*)
- NO** Decision granting approval for the prospective adoptive parents to adopt (*Approval is issued by a ministry director based on a review of the homestudy completed on the prospective adoptive applicants by a ministry-approved adoption practitioner*)
- YES** Information and preparation of adoptive parents for intercountry adoption
- YES/NO** Make the matching decision

- (Licensed agencies can make the matching if they are authorized by the authority of the child's country)*
- YES** Counselling of PAPs about child proposed to them (the proposed match)
(This is conducted jointly by the licensed agency and the PAPs' adoption practitioner)
- NO** Agreements under article 17 of the 1993 Hague Convention
(Issued by a ministry director as the designated Central Authority)
- YES** Arrange to file documents with Court or authority of State of origin
- YES** Report to supervising authority on status of the adoption
- YES** Assist PAPs with Travel preparations
- YES** Follow, know, understand, and supervise the procedure for the adoption
- Other tasks: please provide details
- *Management of the adoption file and ensuring that all documents are updated and valid as required by the State of origin and the receiving State.*
 - *Ensuring that all approvals, as required by Hague (Article 5, Article 17(c)) have been issued by both central authorities.*
 - *Consulations with the adoptive applicants, adoption practitioner and the ministry*
 - *Submission of a child proposal to the ministry for Director's approval*
 - *Information and assistance in the child's immigration process*
 - *Management of post adoption reports*

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.

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?

Post adoption services:

According to the ministry Standards and Guidelines, licensed agencies are responsible for managing post-adoption reports required by the foreign authorities. They are required to make arrangements for the preparation of post-adoption reports by ministry-approved adoption practitioners and must forward them to the adoption authority in the child's country of origin.

Most licensed agencies provide post-adoption support services such as family gatherings and information sessions. Should the family require extensive clinical support, the agency will refer the family to the approved adoption practitioner or will suggest additional resources that may be of assistance to the family.

Agencies do not provide direct counselling services. They do however provide referral services to professionals, community resources, adoption support groups or specific websites. Professional assistance is available to the families on fee-per-service basis. Families are required to make their own financial arrangements with professionals.

Provision of post adoption services is not a condition of a licence.

Post adoption reports:

Some jurisdictions require post adoption reporting under different schedules unique to them. The ministry does not have legislative authority to monitor post adoption reporting. However, licensees are responsible for management and follow up on the reports. Licensees discuss post adoption reporting with the families at the time of initial adoption consultations. The expenses and schedules for post adoption reporting are outlined in the licensee's collaboration agreement with the clients. If it is the foreign State's requirement that post adoption reports be completed by a professional, the licensee is responsible to managing the schedule, payments, translations and submissions of the reports. Agency will also manage self-reporting process as per foreign State's schedule.

The licensed international adoption agency must make every effort to ensure that Consular registration and/or post-adoption reporting is complied with according to the requirements of the foreign jurisdiction. The Ministry strongly suggests that the licensed agency obtain service fees, in advance from the adoptive parents, to be held in trust, for this purpose. It is the Ministry's expectation that the licensed international adoption agency have systems and procedures in place to ensure that post-placement requirements are respected including:

- a. *Addressing the foreign country's specific post-placement requirements in the agency's service contract with adoptive applicants.*
- b. *A written undertaking of commitment signed by prospective adoptive parents, their licensed agency, and their adoption practitioners prior to adoption placement.*
- c. *Advising the approved adoption practitioner immediately of the child's arrival in Canada.*
- d. *An agency tracking mechanism to remind adoption practitioners and adoptive parents when reports are due and to ensure that they are forwarded to the foreign authority.*

59. Are there any publicly funded post adoption services?

In Ontario there is a range of adoption and other community support services available to adoptive families, e.g. parenting courses, toy libraries, play groups and recreational programs. Families are encouraged by their licensees to research those resources before they enter into the adoption process.

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?

In Ontario, there is no legal authority to impose a requirement for compliance with follow up reports once an adoption has been finalized. It has been the ministry practice that adoptive applicants considering adoption from a country that requires follow up reports, be required to sign an undertaking agreeing to comply with this requirement. It is the responsibility of the licensee to make arrangements for the preparation of the follow up reports by either self-reporting or through an approved adoption practitioner and submission of those reports to the foreign adoption authorities. As the ministry has no jurisdiction over the reporting, licensees are not required to submit post adoption reports to the ministry.

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.

Subject to the requirements of the State of origin, the reports are prepared by the families themselves or by an approved adoption practitioner. Licensees are responsible for the management of the reporting and for their submission to the foreign authorities.

62. How do you monitor the obligation to the State of origin to send post adoption reports?

As stated above, the ministry has no legislative authority over post adoption reporting. Licensees are responsible for the management and their clients' compliance with the reporting. Occasionally, the ministry is contacted by a State of Origin with a list of Ontario families not complying with the required reports. The ministry works in cooperation with licensees who contact their negligent families and ensure their immediate compliance.

J. Approved (non accredited) bodies and persons³

³ The term "non-accredited person" was used in the Explanatory Report of Professor Parra-Aranguren to refer to

63. Does your State permit approved (non-accredited) bodies or persons (see Art. 22(2)) to arrange intercountry adoptions. If not, go to Question 68. If yes,

There is one individual in Ontario (lawyer) who is currently licensed to facilitate intercountry adoptions under the IAA from a Non-Hague jurisdiction.

Two lawyers are licensed in Ontario to arrange intercountry adoptions under Ontario's Child and Family Services Act, R.S.O. 1990, where the child's adoption is completed in the Ontario Court. Those individuals (licensees), are licensed to carry out intercountry adoptions from non-Convention countries and are therefore not subject to Article 22(2) of the Hague Convention.

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?
65. What are the guidelines by which approval is granted?
66. What is the process by which approval is granted and renewed?
67. How is the supervision of approved (non-accredited) bodies or persons carried out in your State (Art. 22(2))?
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?

Ontario legislation only permits licensed adoption agencies to facilitate intercountry adoption.

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.

No.

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)?

K. Development aid activities

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".

71. Are accredited bodies required to or permitted to engage in humanitarian projects or development co-operation activities in countries of origin?

Ontario's legislation in intercountry adoption, the Intercountry Adoption Act and Ontario Regulation 200/99 are silent on the issues of humanitarian projects or development co-operation activities in countries of origin. The ministry, as Ontario's central adoption authority, has no jurisdiction over humanitarian aid issues and therefore, cannot require, permit or ban humanitarian activities of Ontario licensees in foreign jurisdictions.

It is worth mentioning that some licensees also run charities funded and managed as separate organizations. Funds from those charities are often used for humanitarian aid in foreign jurisdictions.

72. What types of activities are undertaken?
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 ministry is aware of the humanitarian activities by some licensees through their charitable organizations, however the ministry has no legislative authority over activities of Ontario based charitable organizations.

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?

Ontario agencies have experienced difficulties in obtaining assistance or co-operation with regard to accreditation from Mexico. Some of the countries, while ratified the Convention, have no systems in place to implement it; e.g. Armenia.

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?

Ontario families have experienced difficulties in processing adoption applications through Mexico as there is no Ontario licensed agency being accredited by Mexico.

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?

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

Intercountry Adoption Act, 1998

S.O. 1998, CHAPTER 29

Consolidation Period: From April 1, 2000 to the [e-Laws currency date](#).

Last amendment: 1999, c. 12, Sched. G, s. 25.

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SCHEDULE

INTERPRETATION

Interpretation

1. (1) In this Act,

“Board” means the Child and Family Services Review Board; (“Commission”)

“child” means a person under the age of 18 years; (“enfant”)

“Convention” means the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption set out in the Schedule; (“Convention”)

“Director” means a person or member of a class of persons designated by the regulations; (“directeur”)

“intercountry adoption” means,

(a) an adoption to which the Convention applies, or

(b) any other adoption of a child who is habitually resident outside Canada, by an Ontario resident,

(i) that is intended to create a permanent parent-child relationship, and

(ii) that is finalized in the child’s country of origin; (“adoption internationale”)

“licence” means a licence to facilitate intercountry adoptions issued under section 8, and “licensee” and “licensed” have corresponding meanings; (“permis”, “titulaire de permis”, “autorisé en vertu d’un permis”)

“Minister” means the Minister of Community and Social Services; (“ministre”)

“regulations” means the regulations made under this Act; (“règlements”)

“Tribunal” means the Licence Appeal Tribunal. (“Tribunal”) 1998, c. 29, s. 1 (1); 1999, c. 12, Sched. G, s. 25 (1).

Words and expressions in Convention

(2) Words and expressions used in this Act have the same meaning as the corresponding words and expressions in the Convention. 1998, c. 29, s. 1 (2).

IMPLEMENTATION OF CONVENTION

Implementation of Convention

2. (1) The Minister shall request that the Government of Canada declare, in accordance with Article 45 of the Convention, that the Convention extends to Ontario. 1998, c. 29, s. 2 (1).

Publication

(2) The Minister shall publish in *The Ontario Gazette* notice of the date the Convention enters into force in Ontario. 1998, c. 29, s. 2 (2).

Applicability of Convention in Ontario

3. (1) On and after the date the Convention enters into force in respect of Ontario, as determined by Article 46 of the Convention, it has the force of law in Ontario. 1998, c. 29, s. 3 (1).

Conflict

(2) The law of Ontario also applies to adoptions to which the Convention applies, but if there is a conflict between the law of Ontario and the Convention, the Convention prevails. 1998, c. 29, s. 3 (2).

Central Authority

4. For the purposes of the Convention's application in Ontario, the Central Authority is the person designated by the regulations. 1998, c. 29, s. 4.

INTERCOUNTRY ADOPTION REQUIREMENTS

Intercountry adoption

Application, homestudy and approval required

5. (1) No person who is habitually resident in Ontario shall leave Ontario for the purpose of an intercountry adoption or finalize an intercountry adoption without first,

- (a) making an application to a licensee;
- (b) obtaining an adoption homestudy to assess the person's eligibility and suitability to adopt, and submitting a report of the adoption homestudy to a Director; and
- (c) obtaining the Director's approval, on the basis of the adoption homestudy. 1998, c. 29, s. 5 (1).

Director

(2) The application may be made to a Director rather than to a licensee, in which case the report of the adoption homestudy shall be submitted to the same Director. 1998, c. 29, s. 5 (2).

Who may make adoption homestudy

(3) The report of the adoption homestudy shall be prepared by a person who, in the Director's opinion, is qualified to make an adoption homestudy. 1998, c. 29, s. 5 (3).

Review by Director

(4) The Director shall review the report of the adoption homestudy promptly and,

- (a) approve the person unconditionally;
- (b) approve the person subject to any conditions the Director considers appropriate; or
- (c) refuse to approve the person. 1998, c. 29, s. 5 (4).

Notice

(5) The Director shall promptly give notice of the approval, the approval subject to conditions or the refusal, as the case may be,

- (a) to the person who is the subject of the adoption homestudy;
- (b) to the licensee, if any; and
- (c) to the authority responsible for adoption matters in the child's country of origin. 1998, c. 29, s. 5 (5).

Right to hearing

(6) When a Director gives notice of a refusal or of an approval subject to conditions, the person is entitled to a hearing before the Board. 1999, c. 12, Sched. G, s. 25 (2).

Application of other sections

(7) Sections 11, 13, 15 and 16 (hearing, appeal) apply to the hearing with necessary modifications and for that purpose references to the Tribunal shall be deemed to be references to the Board. 1999, c. 12, Sched. G, s. 25 (2).

Request of foreign authority for review of proposed adoption

6. (1) When an intercountry adoption by an Ontario resident is proposed, the authority responsible for adoption matters in the child's country of origin may request that a Director review the proposed adoption. 1998, c. 29, s. 6 (1).

Review by Director

(2) The Director shall promptly review the proposed adoption and,

- (a) approve it unconditionally;
- (b) approve it subject to any conditions the Director considers appropriate; or
- (c) refuse to approve it. 1998, c. 29, s. 6 (2).

Notice

(3) The Director shall promptly give notice of the approval, the approval subject to conditions or the refusal, as the case may be,

- (a) to the Ontario resident;
- (b) to the licensee, if any; and
- (c) to the foreign authority. 1998, c. 29, s. 6 (3).

Right to hearing

(4) When a Director gives notice of a refusal or of an approval subject to conditions, the Ontario resident is entitled to a hearing before the Board. 1999, c. 12, Sched. G, s. 25 (3).

Application of other sections

(5) Sections 11, 13, 15 and 16 (hearing, appeal) apply to the hearing with necessary modifications and for that purpose references to the Tribunal shall be deemed to be references to the Board. 1999, c. 12, Sched. G, s. 25 (3).

Sharing information

7. If a Director is aware of an application under section 5, has reviewed the report of an adoption homestudy under section 5 or a proposed adoption under section 6, or is otherwise aware that an Ontario resident is pursuing an intercountry adoption, the Director may share relevant information with,

- (a) the authorities responsible for adoption matters, child welfare, the administration of justice and law enforcement in the child's country of origin;
- (b) the Government of Canada and its agencies;
- (c) the governments of other provinces and territories of Canada and their agencies; and
- (d) a prescribed person or body. 1998, c. 29, s. 7.

LICENSING AND HEARINGS

Licences

8. (1) No person except a Director or a licensee shall facilitate an intercountry adoption. 1998, c. 29, s. 8 (1).

Issuing licence

(2) Subject to subsection (4), a person who applies for a licence in accordance with the regulations and pays the prescribed fee is entitled to be issued a licence by a Director, subject to any conditions imposed by the Director. 1998, c. 29, s. 8 (2).

Renewal

(3) Subject to subsection (4), a licensee who applies for renewal of the licence in accordance with the regulations and pays the prescribed fee is entitled to have the licence renewed by a Director, subject to any conditions imposed by the Director. 1998, c. 29, s. 8 (3).

Provisional licence or renewal

(4) If an applicant for a licence or renewal does not meet all the requirements for the issuing or renewal of the licence and requires time to meet them, a Director may issue a provisional licence for the period the Director considers necessary to give the applicant time to meet the requirements, and may impose conditions on the provisional licence. 1998, c. 29, s. 8 (4).

Non-transferable

(5) A licence is not transferable. 1998, c. 29, s. 8 (5).

Refusal to issue licence

9. A Director may refuse to issue a licence if, in his or her opinion,

- (a) the applicant, an employee of the applicant or, if the applicant is a corporation, an officer or director of the applicant is not competent to facilitate intercountry adoptions in a responsible manner in accordance with this Act and the regulations; or
- (b) the past conduct of the applicant, an employee of the applicant or, if the applicant is a corporation, an officer or director of the applicant affords reasonable grounds for belief that intercountry adoptions will not be facilitated in a responsible manner in accordance with this Act and the regulations. 1998, c. 29, s. 9.

Refusal to renew, revocation

10. A Director may refuse to renew or may revoke a licence if, in his or her opinion,

- (a) the licensee, an employee of the licensee or, if the licensee is a corporation, an officer or director of the licensee has contravened or has knowingly permitted a person under his or her control or direction or associated with him or her to contravene,
 - (i) this Act or the regulations,
 - (ii) another Act, or the regulations made under another Act, that applies to adoptions, or
 - (iii) a condition of the licence;
- (b) intercountry adoptions are being facilitated in a manner that is prejudicial to the health, safety or welfare of children;

- (c) a person has made a false statement in the application for the licence or for its renewal, or in a report or document required to be furnished by this Act or the regulations, or by another Act or the regulations made under another Act that applies to adoptions; or
- (d) a change has occurred in the employees, officers or directors of the applicant that would, if the applicant were applying for the licence in the first instance, afford grounds for refusal under clause 9 (b). 1998, c. 29, s. 10.

Notice of proposal

11. (1) If a Director proposes to refuse to issue a licence under section 9 or to revoke or refuse to renew a licence under section 10, he or she shall cause notice of the proposal, together with written reasons, to be served on the applicant or licensee. 1998, c. 29, s. 11 (1).

Right to hearing

(2) The applicant or licensee is entitled to a hearing by the Tribunal if the applicant or licensee mails or delivers to the Director and to the Tribunal, within 10 days after the notice is served, a written request for a hearing, and the notice shall so inform the applicant or licensee. 1998, c. 29, s. 11 (2); 1999, c. 12, Sched. G, s. 25 (4).

Note: Despite the amendments made to subsection (2) by the Statutes of Ontario, 1999, chapter 12, Schedule G, subsection 25 (4), members of the Child and Family Services Review Board immediately before April 1, 2000 shall be members of the Licence Appeal Tribunal for the purpose of performing the duties of the Tribunal with respect to proceedings before the Board that were commenced before April 1, 2000.

Carrying out proposal if no hearing required

(3) If no hearing is requested, the Director may carry out the proposal. 1998, c. 29, s. 11 (3).

Powers of Tribunal if hearing required

(4) If a hearing is requested, the Tribunal shall set a time for and hold a hearing and may, on hearing the matter,

- (a) order the Director to carry out the proposal; or
- (b) order the Director to take any other action that the Tribunal considers appropriate, in accordance with this Act and the regulations. 1998, c. 29, s. 11 (4); 1999, c. 12, Sched. G, s. 25 (4).

Note: Despite the amendments made to subsection (4) by the Statutes of Ontario, 1999, chapter 12, Schedule G, subsection 25 (4), members of the Child and Family Services Review Board immediately before April 1, 2000 shall be members of the Licence Appeal Tribunal for the purpose of

performing the duties of the Tribunal with respect to proceedings before the Board that were commenced before April 1, 2000.

Same

(5) The Tribunal may substitute its opinion for that of the Director. 1998, c. 29, s. 11 (5); 1999, c. 12, Sched. G, s. 25 (4).

Note: Despite the amendment made to subsection (5) by the Statutes of Ontario, 1999, chapter 12, Schedule G, subsection 25 (4), members of the Child and Family Services Review Board immediately before April 1, 2000 shall be members of the Licence Appeal Tribunal for the purpose of performing the duties of the Tribunal with respect to proceedings before the Board that were commenced before April 1, 2000.

Tribunal review of licence conditions

12. (1) A licensee who is dissatisfied with a condition imposed by a Director under subsection 8 (2), (3) or (4) is entitled to a hearing by the Tribunal if the licensee mails or delivers to the Director and to the Tribunal, within 15 days after receiving the licence, a written request for a hearing. 1998, c. 29, s. 12 (1); 1999, c. 12, Sched. G, s. 25 (4).

Note: Despite the amendments made to subsection (1) by the Statutes of Ontario, 1999, chapter 12, Schedule G, subsection 25 (4), members of the Child and Family Services Review Board immediately before April 1, 2000 shall be members of the Licence Appeal Tribunal for the purpose of performing the duties of the Tribunal with respect to proceedings before the Board that were commenced before April 1, 2000.

Powers of Tribunal

(2) If a hearing is requested, the Tribunal shall set a time for and hold a hearing and may, on hearing the matter,

- (a) confirm any or all of the conditions;
 - (b) strike out any or all of the conditions; or
 - (c) impose any other conditions that the Tribunal considers appropriate.
- 1998, c. 29, s. 12 (2); 1999, c. 12, Sched. G, s. 25 (4).

Note: Despite the amendments made to subsection (2) by the Statutes of Ontario, 1999, chapter 12, Schedule G, subsection 25 (4), members of the Child and Family Services Review Board immediately before April 1, 2000 shall be members of the Licence Appeal Tribunal for the purpose of performing the duties of the Tribunal with respect to proceedings before the Board that were commenced before April 1, 2000.

Time of receipt

(3) For the purposes of subsection (1), a licensee shall be deemed to receive the licence on the 10th day after the day it is mailed, unless it is established that the licensee did not receive it or did not, through absence, accident, illness or another cause beyond the licensee's control, acting in good faith, receive the licence until a later date. 1998, c. 29, s. 12 (3).

Extension of time: hearings, renewals

13. (1) The Board may extend the time fixed for requesting a hearing under subsection 5 (6) or 6 (4), either before or after its expiration, if,

- (a) it appears to the Board that there are reasonable grounds for granting relief to the applicant or licensee; and
- (b) the Board is satisfied that the applicant or licensee has reasonable grounds to seek an extension. 1998, c. 29, s. 13 (1); 1999, c. 12, Sched. G, s. 25 (6).

Directions

(2) The Board may give such directions as it considers proper in connection with an extension. 1998, c. 29, s. 13 (2).

Continuation of licence pending renewal

(3) Subject to section 14, if a licensee has applied for renewal of the licence and paid the prescribed fee within the prescribed time or, if no time is prescribed, before the licence expires, the licence is deemed to continue,

- (a) until the renewal is granted; or
- (b) if the licensee is served with notice that the Director proposes to refuse to grant the renewal, until the time for requesting a hearing has expired and, if a hearing is requested, until the Tribunal has made its decision. 1998, c. 29, s. 13 (3); 1999, c. 12, Sched. G, s. 25 (7).

Provisional suspension of licence

14. (1) A Director may, by causing notice to be served on a licensee, suspend the licence provisionally and without a hearing, if in his or her opinion the manner in which intercountry adoptions are being facilitated is an immediate threat to the health, safety or welfare of children. 1998, c. 29, s. 14 (1).

Contents of notice

(2) The notice shall contain a statement of the grounds for suspension. 1998, c. 29, s. 14 (2).

When suspension takes effect

(3) The provisional suspension takes effect on the day the licensee receives the notice. 1998, c. 29, s. 14 (3).

Application of s. 11 (2-5)

(4) Subsections 11 (2), (3), (4) and (5) apply, with necessary modifications. 1998, c. 29, s. 14 (4).

Hearing, parties

15. (1) The Director, the applicant or licensee who requests the hearing and any other persons that the Tribunal specifies are parties to the proceeding. 1998, c. 29, s. 15 (1); 1999, c. 12, Sched. G, s. 25 (7).

Prior involvement

(2) A member of the Tribunal who has taken part before a hearing in any investigation or consideration of its subject matter shall not take part in the hearing. 1998, c. 29, s. 15 (2); 1999, c. 12, Sched. G, s. 25 (7).

Discussion of subject matter of hearing

(3) A member of the Tribunal who takes part in a hearing shall not communicate about the subject matter of the hearing with any person (except another member, a lawyer who does not represent any party, or an employee of the Tribunal) unless all parties are notified and given an opportunity to participate. 1998, c. 29, s. 15 (3); 1999, c. 12, Sched. G, s. 25 (7).

Independent legal advice

(4) The Tribunal may seek independent legal advice about the subject matter of a hearing and, if it does so, shall disclose the nature of the advice to the parties to enable them to respond. 1998, c. 29, s. 15 (4); 1999, c. 12, Sched. G, s. 25 (7).

Examination of documentary evidence and reports

(5) Every party shall be given an opportunity, before the hearing, to examine any documentary evidence that will be produced and any report whose contents will be given in evidence at the hearing. 1998, c. 29, s. 15 (5).

Recording of evidence

(6) The evidence taken before the Board at a hearing under subsection 5 (6) or 6 (4) shall be recorded. 1999, c. 12, Sched. G, s. 25 (8).

Only members present throughout hearing to participate in decision

(7) No member of the Tribunal shall participate in a decision of the Tribunal unless he or she was present throughout the hearing and heard the evidence and argument of the parties. 1998, c. 29, s. 15 (7); 1999, c. 12, Sched. G, s. 25 (9).

All members present at hearing to participate in decision

(8) Unless the parties consent, the Tribunal shall not make a decision unless all the members who were present at the hearing participate in the decision. 1998, c. 29, s. 15 (8); 1999, c. 12, Sched. G, s. 25 (9).

Time for final decision

(9) Despite section 21 of the *Statutory Powers Procedure Act* (adjournments), the Tribunal shall make a final decision and notify the parties of it within 90 days after the day the Tribunal receives the request for a hearing. 1998, c. 29, s. 15 (9); 1999, c. 12, Sched. G, s. 25 (9).

Appeal

16. (1) An appeal lies to the Divisional Court from the Tribunal's decision. 1998, c. 29, s. 16 (1); 1999, c. 12, Sched. G, s. 25 (9).

Record to be filed

(2) When notice of an appeal is filed, the Tribunal shall promptly file with the court the record of the proceeding in which the decision appealed from was made. 1998, c. 29, s. 16 (2); 1999, c. 12, Sched. G, s. 25 (9).

Minister

(3) The Minister is entitled to be heard, by counsel or otherwise, on the argument of the appeal. 1998, c. 29, s. 16 (3).

Powers of inspection

17. (1) For the purpose of ensuring compliance with this Act, the regulations and any conditions imposed on licences, a Director or a person who has a Director's written authorization may, at all reasonable times, upon producing proper identification,

- (a) enter the premises of a licensee;
- (b) inspect the premises and any financial or other records there dealing with activities in connection with intercountry adoptions; and
- (c) make copies of the records or remove them from the premises to copy them as may be reasonably required. 1998, c. 29, s. 17 (1).

Offence

(2) No person shall,

- (a) hinder, obstruct or attempt to hinder or obstruct a Director or other person in the exercise of the power conferred by subsection (1);
- (b) knowingly give false information about a licensee's activities in connection with intercountry adoptions; or
- (c) refuse to give a Director or other person access to the records referred to in clause (1) (b) or refuse to give him or her information about the premises or about the licensee's activities in connection with intercountry adoptions that the Director or other person reasonably requires. 1998, c. 29, s. 17 (2).

Regulations

(3) The power conferred by subsection (1) shall be exercised in accordance with the regulations. 1998, c. 29, s. 17 (3).

Delivery of licence and records

18. A licensee whose licence is revoked or who ceases to facilitate intercountry adoptions shall deliver up to a Director or to the Minister the licence and all the records in the licensee's possession or control that relate to intercountry adoptions. 1998, c. 29, s. 18.

OFFENCES

No payments for intercountry adoption

19. No person shall give, receive or agree to give or receive a payment or reward of any kind in connection with an intercountry adoption or proposed intercountry adoption, except for,

- (a) the expenses of a licensee that belong to a prescribed class, or such other expenses as are approved by a Director;
- (b) the expenses of a person referred to in subsection 5 (3) that belong to a prescribed class;
- (c) the expenses of a Director that belong to a prescribed class; and
- (d) proper legal fees and disbursements. 1998, c. 29, s. 19.

Offence, penalty

20. (1) A person who contravenes subsection 5 (1) (application, homestudy and approval required) is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 or to imprisonment for not more than two years, or to both. 1998, c. 29, s. 20 (1).

Same

(2) A person who contravenes subsection 8 (1) (facilitating intercountry adoptions without licence), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 for each day on which the offence continues or to imprisonment for not more than one year, or to both. 1998, c. 29, s. 20 (2).

Same

(3) Every person who knowingly furnishes false information in an application under subsection 8 (2) or (3) (licence, renewal) or in a statement, report or return required to be furnished under the regulations, and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. 1998, c. 29, s. 20 (3).

Same

(4) Every person who knowingly contravenes subsection 17 (2) (obstruction), and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. 1998, c. 29, s. 20 (4).

Same

(5) A person who contravenes section 19, and a director, officer or employee of a corporation who authorizes, permits or concurs in such a contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$25,000 or to imprisonment for not more than three years, or to both. 1998, c. 29, s. 20 (5).

Limitation

(6) A proceeding under subsection (1), (2) or (5) shall not be commenced more than two years after the date on which the offence is alleged to have been committed. 1998, c. 29, s. 20 (6).

GENERAL

Non-application of *FIPPA* and *MFIPPA*

21. The *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act* do not apply to information that relates to an intercountry adoption or proposed intercountry adoption. 1998, c. 29, s. 21.

***Child and Family Services Act*, ss. 165, 170**

22. Directors and licensees under this Act are deemed to be licensees for the purposes of sections 165 and 170 of the *Child and Family Services Act* (confidentiality of adoption records, persons adopted outside Ontario). 1998, c. 29, s. 22.

Conflict

23. If there is a conflict between this Act and any other Act, this Act prevails. 1998, c. 29, s. 23.

REGULATIONS

Regulations

24. The Lieutenant Governor in Council may make regulations,
- (a) designating the Central Authority in accordance with Article 6 of the Convention;
 - (b) assigning functions of the Central Authority to public authorities, accredited bodies or other bodies or persons in accordance with Article 22 of the Convention;

- (c) defining words and expressions used but not defined in the Convention;
- (d) further defining “intercountry adoption” for the purpose of this Act;
- (e) exempting from this Act, a provision of this Act, the regulations or a provision of the regulations,
 - (i) a class or classes of intercountry adoptions, or
 - (ii) a class or classes of persons;
- (f) prescribing persons and classes of persons and bodies and classes of bodies for the purpose of clause 7 (d);
- (g) defining “facilitate” for the purpose of subsection 8 (1);
- (h) governing the issuing, renewal and expiry of licences and prescribing fees payable by an applicant for a licence or its renewal;
- (i) prescribing the records to be kept by licensees;
- (j) requiring licensees to provide the prescribed information and reports and prescribing the information and reports;
- (k) requiring applications, reports and other documents to be prepared in a form approved or provided by the Minister;
- (l) governing the qualifications of persons or classes of persons employed by licensees;
- (m) governing the exercise of the power of entry set out in subsection 17 (1);
- (n) designating persons or classes of persons as Directors for the purposes of this Act;
- (o) prescribing classes of expenses for the purposes of clauses 19 (a), (b) and (c) and prescribing the conditions under which such classes of expenses may be charged. 1998, c. 29, s. 24.

TRANSITION

Transition

25. (1) This Act does not apply to an intercountry adoption if,

- (a) before the effective date,
 - (i) an application to adopt the child has been made to an authority responsible for adoption matters in the child’s country of origin, or has been received by the Ministry of Community and Social Services or the National Adoption Desk of Human Resources Development (Canada),
 - (ii) the child has been placed with the proposed adoptive parent, or

(iii) the consents and approvals necessary for the adoption have been given; and

(b) the adoption is finalized within 24 months after the effective date. 1998, c. 29, s. 25 (1).

Same

(2) A report of an adoption homestudy that was prepared before the effective date may be used for the purposes of subsection 5 (1) if the person who prepared it is a person referred to in subsection 5 (3). 1998, c. 29, s. 25 (2).

Definition

(3) In subsections (1) and (2),

“effective date” means the day on which subsection 5 (1) comes into force. 1998, c. 29, s. 25 (3).

26. Omitted (provides for coming into force of provisions of this Act). 1998, c. 29, s. 26.

27. Omitted (enacts short title of this Act). 1998, c. 29, s. 27.

SCHEDULE

CONVENTION ON PROTECTION OF CHILDREN AND CO-OPERATION IN RESPECT OF INTERCOUNTRY ADOPTION

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 intercountry 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 intercountry 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 November 20, 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,

CHAPTER 1 — SCOPE OF THE CONVENTION

Article 1

The objects of the present Convention are,

- (a) to establish safeguards to ensure that intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law;
- (b) to establish a system of co-operation amongst Contracting States to ensure that those safeguards are respected and thereby prevent the abduction, the sale of, or traffic in children;
- (c) to secure the recognition in Contracting States of adoptions made in accordance with the Convention.

Article 2

1. The Convention shall apply where a child habitually resident in one Contracting State ('the State of origin') has been, is being, or is to be moved to another Contracting State ('the receiving State') either after his or her adoption in the State of origin by spouses or a person habitually resident in the receiving State, or for the purposes of such an adoption in the receiving State or in the State of origin.
2. The Convention covers only adoptions which create a permanent parent-child relationship.

Article 3

The Convention ceases to apply if the agreements mentioned in Article 17, subparagraph (c), have not been given before the child attains the age of 18 years.

CHAPTER II — REQUIREMENTS FOR INTERCOUNTRY ADOPTIONS

Article 4

An adoption within the scope of the Convention shall take place only if the competent authorities of the State of origin,

- (a) have established that the child is adoptable;
- (b) have determined, after possibilities for placement of the child within the State of origin have been given due consideration, that an intercountry adoption is in the child's best interests;
- (c) have ensured that,

- (1) the persons, institutions and authorities whose consent is necessary for adoption, have been counselled as may be necessary and duly informed of the effects of their consent, in particular whether or not an adoption will result in the termination of the legal relationship between the child and his or her family of origin,
 - (2) such persons, institutions and authorities have given their consent freely, in the required legal form, and expressed or evidenced in writing,
 - (3) the consents have not been induced by payment or compensation of any kind and have not been withdrawn, and
 - (4) the consent of the mother, where required, has been given only after the birth of the child; and
- (d) have ensured, having regard to the age and degree of maturity of the child, that,
- (1) he or she has been counselled and duly informed of the effects of the adoption and of his or her consent to the adoption, where such consent is required,
 - (2) consideration has been given to the child's wishes and opinions,
 - (3) the child's consent to the adoption, where such consent is required, has been given freely, in the required legal form, and expressed or evidenced in writing, and
 - (4) such consent has not been induced by payment or compensation of any kind.

Article 5

An adoption within the scope of the Convention shall take place only if the competent authorities of the receiving State,

- (a) have determined that the prospective adoptive parents are eligible and suited to adopt;
- (b) have ensured that the prospective adoptive parents have been counselled as may be necessary; and
- (c) have determined that the child is or will be authorized to enter and reside permanently in that State.

CHAPTER III — CENTRAL AUTHORITIES AND ACCREDITED BODIES

Article 6

1. A Contracting State shall designate a Central Authority to discharge the duties which are imposed by the Convention upon such authorities.
2. Federal States, States with more than one system of law or States having autonomous territorial units shall be free to appoint more than one Central Authority and to specify the territorial or personal extent of their functions. Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed for transmission to the appropriate Central Authority within that State.

Article 7

1. Central Authorities shall co-operate with each other and promote co-operation amongst the competent authorities in their States to protect children and to achieve the other objects of the Convention.
2. They shall take directly all appropriate measures to,
 - (a) provide information as to the laws of their States concerning adoption and other general information, such as statistics and standard forms;
 - (b) keep one another informed about the operation of the Convention and, as far as possible, eliminate any obstacles to its application.

Article 8

Central Authorities shall take, directly or through public authorities, all appropriate measures to prevent improper financial or other gain in connection with an adoption and to deter all practices contrary to the objects of the Convention.

Article 9

Central Authorities shall take, directly or through public authorities or other bodies duly accredited in their State, all appropriate measures, in particular to,

- (a) collect, preserve and exchange information about the situation of the child and the prospective adoptive parents, so far as is necessary to complete the adoption;
- (b) facilitate, follow and expedite proceedings with a view to obtaining the adoption;
- (c) promote the development of adoption counselling and post-adoption services in their States;

- (d) provide each other with general evaluation reports about experience with intercountry adoption;
- (e) reply, in so far as is permitted by the law of their State, to justified requests from other Central Authorities or public authorities for information about a particular adoption situation.

Article 10

Accreditation shall only be granted to and maintained by bodies demonstrating their competence to carry out properly the tasks with which they may be entrusted.

Article 11

An accredited body shall,

- (a) pursue only non-profit objectives according to such conditions and within such limits as may be established by the competent authorities of the State of accreditation;
- (b) be directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption; and
- (c) be subject to supervision by competent authorities of that State as to its composition, operation and financial situation.

Article 12

A body accredited in one Contracting State may act in another Contracting State only if the competent authorities of both States have authorized it to do so.

Article 13

The designation of the Central Authorities and, where appropriate, the extent of their functions, as well as the names and addresses of the accredited bodies shall be communicated by each Contracting State to the Permanent Bureau of the Hague Conference on Private International Law.

CHAPTER IV — PROCEDURAL REQUIREMENTS IN INTERCOUNTRY ADOPTION

Article 14

Persons habitually resident in a Contracting State, who wish to adopt a child habitually resident in another Contracting State, shall apply to the Central Authority in the State of their habitual residence.

Article 15

1. If the Central Authority of the receiving State is satisfied that the applicants are eligible and suited to adopt, it shall prepare a report including information about their identity, eligibility and suitability to adopt, background, family and medical history, social environment, reasons for adoption, ability to undertake an intercountry adoption, as well as the characteristics of the children for whom they would be qualified to care.
2. It shall transmit the report to the Central Authority of the State of origin.

Article 16

1. If the Central Authority of the State of origin is satisfied that the child is adoptable, it shall,
 - (a) prepare a report including information about his or her identity, adoptability, background, social environment, family history, medical history including that of the child's family, and any special needs of the child;
 - (b) give due consideration to the child's upbringing and to his or her ethnic, religious and cultural background;
 - (c) ensure that consents have been obtained in accordance with Article 4; and
 - (d) determine, on the basis in particular of the reports relating to the child and the prospective adoptive parents, whether the envisaged placement is in the best interests of the child.
2. It shall transmit to the Central Authority of the receiving State its report on the child, proof that the necessary consents have been obtained and the reasons for its determination on the placement, taking care not to reveal the identity of the mother and the father if, in the State of origin, these identities may not be disclosed.

Article 17

Any decision in the State of origin that a child should be entrusted to prospective adoptive parents may only be made if,

- (a) the Central Authority of that State has ensured that the prospective adoptive parents agree;
- (b) the Central Authority of the receiving State has approved such decision, where such approval is required by the law of that State or by the Central Authority of the State of origin;
- (c) the Central Authorities of both States have agreed that the adoption may proceed; and

- (d) it has been determined, in accordance with Article 5, that the prospective adoptive parents are eligible and suited to adopt and that the child is or will be authorized to enter and reside permanently in the receiving State.

Article 18

The Central Authorities of both States shall take all necessary steps to obtain permission for the child to leave the State of origin and to enter and reside permanently in the receiving State.

Article 19

1. The transfer of the child to the receiving State may only be carried out if the requirements of Article 17 have been satisfied.
2. The Central Authorities of both States shall ensure that this transfer takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive or prospective adoptive parent.
3. If the transfer of the child does not take place, the report referred to in Articles 15 and 16 are to be sent back to the authorities who forwarded them.

Article 20

The Central Authorities shall keep each other informed about the adoption process and the measures taken to complete it, as well as about the progress of the placement if a probationary period is required.

Article 21

1. Where the adoption is to take place after the transfer of the child to the receiving State and it appears to the Central Authority of that State that the continued placement of the child with the prospective adoptive parents is not in the child's best interests, such Central Authority shall take the measures necessary to protect the child, in particular,
 - (a) to cause the child to be withdrawn from the prospective adoptive parents and to arrange temporary care;
 - (b) in consultation with the Central Authority of the State of origin, to arrange without delay a new placement of the child with a view to adoption or, if this is not appropriate, to arrange alternative long-term care; an adoption shall not take place until the Central Authority of the State of origin has been duly informed concerning the new prospective adoptive parents;
 - (c) as a last resort, to arrange the return of the child, if his or her interests so require.

2. Having regard in particular to the age and degree of maturity of the child, he or she shall be consulted and, where appropriate, his or her consent obtained in relation to measures to be taken under this Article.

Article 22

1. The functions of a Central Authority under this Chapter may be performed by public authorities or by bodies accredited under Chapter III, to the extent permitted by the law of its State.
2. Any Contracting State may declare to the depositary of the Convention that the functions of the Central Authority under Articles 15 to 21 may be performed in that State, to the extent permitted by the law and subject to the supervision of the competent authorities of that State, also by bodies or persons who,
 - (a) meet the requirements of integrity, professional competence, experience and accountability of that State; and
 - (b) are qualified by their ethical standards and by training or experience to work in the field of intercountry adoption.
3. A Contracting State which makes the declaration provided for in paragraph 2 shall keep the Permanent Bureau of the Hague Conference on Private International Law informed of the names and addresses of these bodies and persons.
4. Any Contracting State may declare to the depositary of the Convention that adoptions of children habitually resident in its territory may only take place if the functions of the Central Authorities are performed in accordance with paragraph 1.
5. Notwithstanding any declaration made under paragraph 2, the reports provided for in Articles 15 and 16 shall, in every case, be prepared under the responsibility of the Central Authority or other authorities or bodies in accordance with paragraph 1.

CHAPTER V — RECOGNITION AND EFFECTS OF THE ADOPTION

Article 23

1. An adoption certified by the competent authority of the State of the adoption as having been made in accordance with the Convention shall be recognized by operation of law in the other Contracting States. The certificate shall specify when and by whom the agreements under Article 17, subparagraph (c), were given.
2. Each Contracting State shall, at the time of signature, ratification, acceptance, approval or accession, notify the depositary of the Convention of the identity and the functions of the authority or the authorities which, in that State, are competent to make the certification. It shall also notify the depositary of any modification in the designation of these authorities.

Article 24

The recognition of an adoption may be refused in a Contracting State only if the adoption is manifestly contrary to its public policy, taking into account the best interests of the child.

Article 25

Any Contracting State may declare to the depositary of the Convention that it will not be bound under this Convention to recognize adoptions made in accordance with an agreement concluded by application of Article 39, paragraph 2.

Article 26

1. The recognition of an adoption includes recognition of,
 - (a) the legal parent-child relationship between the child and his or her adoptive parents;
 - (b) parental responsibility of the adoptive parents for the child;
 - (c) the termination of a pre-existing legal relationship between the child and his or her mother and father, if the adoption has this effect in the Contracting State where it was made.
2. In the case of an adoption having the effect of terminating a pre-existing legal parent-child relationship, the child shall enjoy in the receiving State, and in any other Contracting State where the adoption is recognized, rights equivalent to those resulting from adoptions having this effect in each such State.
3. The preceding paragraphs shall not prejudice the application of any provision more favourable for the child, in force in the Contracting State which recognizes the adoption.

Article 27

1. Where an adoption granted in the State of origin does not have the effect of terminating a pre-existing legal parent-child relationship, it may, in the receiving State which recognizes the adoption under the Convention, be converted into an adoption having such an effect,
 - (a) if the law of the receiving State so permits; and
 - (b) if the consents referred to in Article 4, subparagraphs (c) and (d), have been or are given for the purpose of such an adoption.
2. Article 23 applies to the decision converting the adoption.

CHAPTER VI — GENERAL PROVISIONS

Article 28

The Convention does not affect any law of a State of origin which requires that the adoption of a child habitually resident within that State take place in that State or which prohibits the child's placement in, or transfer to, the receiving State prior to adoption.

Article 29

There shall be no contact between the prospective adoptive parents and the child's parents or any other person who has care of the child until the requirements of Article 4, subparagraphs (a) to (c), and Article 5, subparagraph (a), have been met, unless the adoption takes place within the family or unless the contact is in compliance with the conditions established by the competent authority of the State of origin.

Article 30

1. The competent authorities of a Contracting State shall ensure that information held by them concerning the child's origin, in particular information concerning the identity of his or her parents, as well as the medical history, is preserved.
2. They shall ensure that the child or his or her representative has access to such information, under appropriate guidance, in so far as is permitted by the law of that State.

Article 31

Without prejudice to Article 30, personal data gathered or transmitted under the Convention, especially data referred to in Articles 15 and 16, shall be used only for the purposes for which they were gathered or transmitted.

Article 32

1. No one shall derive improper financial or other gain from an activity related to an intercountry adoption.
2. Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid.
3. The directors, administrators and employees of bodies involved in an adoption shall not receive remuneration which is unreasonably high in relation to services rendered.

Article 33

A competent authority which finds that any provision of the Convention has not been respected or that there is a serious risk that it may not be respected, shall

immediately inform the Central Authority of its State. This Central Authority shall be responsible for ensuring that appropriate measures are taken.

Article 34

If the competent authority of the State of destination of a document so requests, a translation certified as being in conformity with the original must be furnished. Unless otherwise provided, the costs of such translation are to be borne by the prospective adoptive parents.

Article 35

The competent authorities of the Contracting States shall act expeditiously in the process of adoption.

Article 36

In relation to a State which has two or more systems of law with regard to adoption applicable in different territorial units,

- (a) any reference to habitual residence in that State shall be construed as referring to habitual residence in a territorial unit of that State;
- (b) any reference to the law of that State shall be construed as referring to the law in force in the relevant territorial unit;
- (c) any reference to the competent authorities or to the public authorities of that State shall be construed as referring to those authorized to act in the relevant territorial unit;
- (d) any reference to the accredited bodies of that State shall be construed as referring to bodies accredited in the relevant territorial unit.

Article 37

In relation to a State which with regard to adoption has two or more systems of law applicable to different categories of persons, any reference to the law of that State shall be construed as referring to the legal system specified by the law of that State.

Article 38

A State within which different territorial units have their own rules of law in respect of adoption shall not be bound to apply the Convention where a State with a unified system of law would not be bound to do so.

Article 39

1. The Convention does not affect any international instrument to which Contracting States are Parties and which contains provisions on matters governed

by the Convention, unless a contrary declaration is made by the States Parties to such instrument.

2. Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention.

Article 40

No reservation to the Convention shall be permitted.

Article 41

The Convention shall apply in every case where an application pursuant to Article 14 has been received after the Convention has entered into force in the receiving State and the State of origin.

Article 42

The Secretary General of the Hague Conference on Private International Law shall at regular intervals convene a Special Commission in order to review the practical operation of the Convention.

CHAPTER VII — FINAL CLAUSES

Article 43

1. The Convention shall be opened for signature by the States which were Members of the Hague Conference on Private International Law at the time of its Seventeenth Session and by the other States which participated in that Session.

2. It shall be ratified, accepted or approved and the instruments of ratification, acceptance or approval shall be deposited with the Ministry of Foreign Affairs of the Kingdom of the Netherlands, depositary of the Convention.

Article 44

1. Any other State may accede to the Convention after it has entered into force in accordance with Article 46, paragraph 1.

2. The instrument of accession shall be deposited with the depositary.

3. Such accession shall have effect only as regards the relations between the acceding State and those Contracting States which have not raised an objection to its accession in the six months after the receipt of the notification referred to in subparagraph (b) of Article 48. Such an objection may also be raised by States at the time when they ratify, accept or approve the Convention after an accession. Any such objection shall be notified to the depositary.

Article 45

1. If a State has two or more territorial units in which different systems of law are applicable in relation to matters dealt with in the Convention, it may at the time of signature, ratification, acceptance, approval or accession declare that this Convention shall extend to all its territorial units or only to one or more of them and may modify this declaration by submitting another declaration at any time.
2. Any such declaration shall be notified to the depositary and shall state expressly the territorial units to which the Convention applies.
3. If a State makes no declaration under this Article, the Convention is to extend to all territorial units of the State.

Article 46

1. The Convention shall enter into force on the first day of the month following the expiration of three months after the deposit of the third instrument of ratification, acceptance or approval referred to in Article 43.
2. Thereafter the Convention shall enter into force,
 - (a) for each State ratifying, accepting or approving it subsequently, or acceding to it, on the first day of the month following the expiration of three months after the deposit of its instrument of ratification, acceptance, approval or accession;
 - (b) for a territorial unit to which the Convention has been extended in conformity with Article 45, on the first day of the month following the expiration of three months after the notification referred to in that Article.

Article 47

1. A State Party to the Convention may denounce it by a notification in writing addressed to the depositary.
2. The denunciation takes effect on the first day of the month following the expiration of 12 months after the notification is received by the depositary. Where a longer period for the denunciation to take effect is specified in the notification, the denunciation takes effect upon the expiration of such longer period after the notification is received by the depositary.

Article 48

The depositary shall notify the States Members of the Hague Conference on Private International Law, the other States which participated in the Seventeenth Session and the States which have acceded in accordance with Article 44, of the following,

- (a) the signatures, ratifications, acceptances and approvals referred to in Article 43;
- (b) the accessions and objections raised to accessions referred to in Article 44;
- (c) the date on which the Convention enters into force in accordance with Article 46;
- (d) the declarations and designations referred to in Articles 22, 23, 25 and 45;
- (e) the agreements referred to in Article 39;
- (f) the denunciation referred to in Article 47.

1998, c. 29, Sched.

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Intercountry Adoption Act, 1998
Loi de 1998 sur l'adoption internationale

ONTARIO REGULATION 200/99

GENERAL

Consolidation Period: From February 18, 2000 to the [e-Laws currency date](#).

Last amendment: O.Reg. 135/00.

This Regulation is made in English only.

CENTRAL AUTHORITY AND DIRECTORS

1. For the purpose of Article 6 of the Convention, the Central Authority for Ontario is the Ministry of Community and Social Services. O. Reg. 200/99, s. 1.
2. The following persons are Directors for the purposes of the Act:
 1. The Manager, Central Services Unit, Ministry of Community and Social Services.
 2. The Coordinator of Private and International Adoption, Ministry of Community and Social Services. O. Reg. 200/99, s. 2.

ASSIGNMENT OF FUNCTIONS OF CENTRAL AUTHORITY

3. If a licensee meets the qualifications for an accredited body under Article 11 of the Convention, the licensee may perform the following functions of the Central Authority:
 1. Receive applications from persons wishing to adopt a child from another country, as provided for in Article 14.
 2. Ensure that prospective adoptive parents have agreed to the proposed adoption of a child from another country, as provided for in Article 17 (a).
 3. Take all necessary steps to obtain permission for the child to leave the State of origin and to enter and reside permanently in the receiving State, as provided for in Article 18.
 4. Ensure that the transfer of the child takes place in secure and appropriate circumstances and, if possible, in the company of the adoptive or prospective adoptive parents, as provided for in Article 19 (2).
 5. Provide progress reports to the Central Authority of a child's State of origin or to a Director about the adoption process and measures taken to

complete it, as well as the progress of the placement if a probationary period is required, as provided for in Article 20.

6. Take the measures necessary to protect a child during a probationary period in accordance with Article 21. O. Reg. 200/99, s. 3.

PREScribed PERSONS AND BODIES

4. The following are prescribed persons and bodies for the purposes of clause 7 (d) of the Act:

1. Children's aid societies in Ontario.
2. Ministries and agencies of the Government of Ontario.
3. The authorities responsible for law enforcement in Ontario. O. Reg. 200/99, s. 4.

DEFINITION OF FACILITATE

5. For the purpose of subsection 8 (1) of the Act, "facilitate", with respect to an adoption, means any of the following:

1. Receive an application under section 5 of the Act.
2. Submit a report of an adoption homestudy to a Director.
3. Present a proposal to adopt a particular child to an applicant whose eligibility and suitability to adopt has been approved by a Director.
4. Submit an applicant's consent or refusal to adopt a particular child to the Central authority of a child's State of origin, the authority responsible for adoption in the child's State of origin or a Director.
5. Submit to the Central authority of a child's State of origin, the authority responsible for adoption in the child's State of origin or a Director a progress report concerning a child who has been placed for adoption but whose adoption has not been finalized when such a report is requested by the state of origin. O. Reg. 200/99, s. 5.

EXPENSES FOR WHICH FEES MAY BE CHARGED

6. The following are prescribed as classes of expenses incurred by a licensee for the purposes of clause 19 (a) of the Act:

1. Expenses incurred in receiving and processing applications for intercountry adoptions from prospective adoptive parents.
2. Expenses incurred with respect to the provision of adoption orientation and preparation to applicants for intercountry adoptions.
3. Expenses incurred with respect to an adoption homestudy.

4. Expenses incurred with respect to proposals to adopt particular children presented to applicants whose eligibility and suitability to adopt has been approved by a Director.
 5. Expenses incurred in submitting applicants' consents or refusals to adopt particular children to the Central authority of a child's State of origin, the authority responsible for adoption in the child's State of origin or a Director.
 6. Expenses incurred in obtaining permission for a child to leave his or her State of origin and enter and reside permanently in Ontario.
 7. Expenses incurred in making arrangements for the secure and appropriate transfer of a child from the State of origin to Ontario.
 8. If an adoption placement requires a probationary period before finalization, expenses incurred in making arrangements for supervising the placement.
 9. Expenses incurred in making progress reports and follow up reports.
 10. Any expenses the licensee incurs with respect to services related to the adoption provided in the child's State of origin in accordance with the laws of that State.
 11. Expenses with respect to the administration of an intercountry adoption. O. Reg. 200/99, s. 6.
- 7.** The following is prescribed as a class of expenses incurred by a person authorized to make a home study under subsection 5 (3) of the Act for the purposes of clause 19 (b) of the Act:
1. Expenses incurred by the person in preparing a home study to assess the prospective adoptive parent's eligibility and suitability to adopt. O. Reg. 200/99, s. 7.
- 8.** The following is prescribed as a class of expenses incurred by a Director for the purposes of clause 19 (c) of the Act:
1. Expenses incurred by the Director in processing an adoptive parent's or prospective adoptive parent's intercountry adoption file.
 2. Expenses with respect to the administration of an adoptive parent's or prospective adoptive parent's intercountry adoption file. O. Reg. 200/99, s. 8.

LICENCES

- 9.** (1) An application under section 8 of the Act for a licence or for renewal of a licence shall be in the form approved by the Minister. O. Reg. 200/99, s. 9 (1).
- (2) The application shall contain the following information:

1. The name, address, telephone number and other relevant identifying information concerning the applicant.
 2. Information concerning the applicant's knowledge of the legislation of Canada, Ontario and foreign jurisdictions relevant to intercountry adoption.
 3. Information concerning the applicant's training, experience and expertise with respect to intercountry adoption.
 4. Information concerning the applicant's ability to provide services and carry out administrative procedures in accordance with the Act. O. Reg. 200/99, s. 9 (2).
- (3) The fee payable on an application for a licence or for renewal of a licence is \$1,800. O. Reg. 200/99, s. 9 (3).
- (4) A licence expires one year after it is issued. O. Reg. 200/99, s. 9 (4).

RECORDS AND REPORTS

- 10.** (1) Every licensee shall open and keep up to date a separate file with respect to each prospective adoptive parent. O. Reg. 200/99, s. 10 (1).
- (2) If a child who is the subject of an adoption proposal is not transferred to Ontario from his or her State of origin, the licensee with respect to that child shall return to a Director all copies of the adoption proposal with respect to that child. O. Reg. 200/99, s. 10 (2).
- (3) Subject to subsection (2) and section 18 of the Act, every licensee shall permanently retain each file referred to in subsection (1). O. Reg. 200/99, s. 10 (3).
- 11.** (1) Every licensee shall keep a record of all expenditures made and money received with respect to the licensee's facilitation of intercountry adoptions. O. Reg. 200/99, s. 11 (1).
- (2) Every licensee shall keep a separate book of account showing, for each prospective adoptive parent with respect to whom the licensee makes a deposit or withdrawal of money, the name of the adoptive parent from whom the deposit or withdrawal is made and the date of that deposit or withdrawal. O. Reg. 200/99, s. 11 (2).
- (3) Every licensee shall, when required by a Director, prepare and submit financial reports, including reports by a public accountant licensed under the *Public Accountancy Act*, with respect to the licensee's facilitation of intercountry adoptions. O. Reg. 200/99, s. 11 (3).
- 12.** A corporate licensee shall notify a Director in writing within 15 days after any change in the officers or directors of the corporation. O. Reg. 200/99, s. 12.

POWER OF ENTRY

13. A person entering premises under section 17 of the Act shall produce identification, including evidence of appointment, on the request of the occupier. O. Reg. 200/99, s. 13.

EXEMPTION

13.1 The Act and the regulations do not apply to an adoption to which the Convention applies if the adoption will be finalized in an Ontario court. O. Reg. 135/00, s. 1.

14. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 200/99, s. 14.

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