

Adoption Information for Birth Parents

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Who can I talk to?

It is important that you make the best plan for your child whether you decide to keep your child or have the child adopted. If you are unsure whether adoption is the right choice for you, a social worker in your community may be able to help you. You should talk to your social worker and see if they are able to provide you with the support you need so that you will be able to be the parent you want to be.

Services may include:

- temporary foster care while you consider other alternatives;
- counseling;
- parenting programs;
- housing;
- alcohol or drug treatment;
- emotional support; and
- referrals to other agencies.

The decision remains yours as to whether you keep your baby or choose adoption. There is a lot to think about, and the social worker can help. You will find out what your choices are so that you can make the best plan for your baby.

Where can I find a social worker?

To discuss the options available to you, call your local Health & Social Services office, or the regional office at the following addresses and phone numbers:

Yellowknife Health & Social Services Authority

Jan Stirling Building
4702 Franklin Avenue
Yellowknife, NT
X1A 2N5
Phone: (867) 873-7276
Fax: (867) 873-0289
Email: yhssa@gov.nt.ca
Website: <http://www.yhssa.org>

Beaufort-Delta Health & Social Services Authority

Bag 2
Inuvik, NT
X0E 0T0
Phone: (867) 777-8146
Fax: (867) 777-8062

Tlicho Community Services Agency

Bag 5
Behchoko, NT
X0E 0Y0
Phone: (867) 392-3000
Fax: (867) 392-3001

Hay River Health & Social Services Authority

#3 Gaetz Drive
Hay River, NT
X0E 0R8
Phone: (867) 874-7110
Fax: (867) 874-7118

Deh Cho Health & Social Services Authority

Box 240
Fort Simpson, NT
X0E 0N0
Phone: (867) 695-3815
Fax: (867) 695-2920

Fort Smith Health & Social Services Authority

41 Breynat St
Box 1080
Fort Smith, NT
X0E 0P0
Phone: (867) 872-6201
Fax: (867) 872-6275

Sahtu Health & Social Services Authority

Box 340
Norman Wells, NT
Phone: 867-587-3438
Fax: 867-587-3436

What does adoption mean?

Adoption means that birth parents have transferred all parental rights to adoptive parents. Guardianship is transferred through adoption and, when finalization occurs, the child becomes the legal child of the adoptive family.

Adoptions in the NWT occur under the *NWT Adoptions Act*. The *NWT Adoptions Act* ensures that birth parents receive information needed to help make a decision that is right for them and their child. Regulating adoptions protects the rights and interest of all parties to the adoption.

How does a child get adopted?

Under the NWT Adoptions Act, there are two ways:

Departmental Adoption:

A parent delivers their child to a social worker for the purpose of adoption and gives the required legal consents. The social worker then applies to the court for an order placing the child in the permanent custody of the Director of Child and Family Services. Consent cannot be taken until the child is at least ten days old.

Private Adoption:

The parent signs consent (i.e. gives permission) to the adoption, any time after a baby is at least ten days old. If the father is living with the mother, or has declared he is the father and helped to support her, he must sign consent too.

After this signing, the parents have 30 days in which they can change their minds and take back their consent. This reversal of decision must be made in writing by completing a revocation of consent form.

A lawyer for the adoptive parents who is arranging the adoption of your child must give you a chance to have your own legal advice and counselling before you sign the consent. It is a common practice that all legal costs of the birth family are paid for by the adoptive family.

As there are no licensed private adoption agencies in the NWT, the lawyer representing the adoptive family can facilitate a private adoption. If you have chosen an adoptive family, the family's lawyer makes sure that the *NWT Adoptions Act* is followed and that you are provided with independent legal advice before consenting to the adoption.

For more information on private adoption, see the section "What types of adoption are available in the NWT?"

Who gives consents to an adoption?

Generally, for the adoption of a child, consents are taken from:

- the birth mother;
- the father; or
- the child, if he or she is 12 years old or over.

As a birth mother, when do I give my consent for an adoption?

Consent for the adoption is not taken until at least 10 days after the birth of your child, when you have had time to recover from giving birth.

Can I give consent if I am less than 19 years old?

As long as you are the birth parent of the child, no matter what your age, you can consent to the adoption.

Can I change my mind after I have given consent?

Yes. You may want to change your plans or get more help. You have 30 days from signing consent to reverse your decision.

Can I participate in choosing the family for my child?

In a Departmental adoption, your social worker may provide you with a written summary about prospective parents who have been approved to adopt. (Names, addresses, or other identifying information about the adopting family will be removed, to protect their privacy)

Although ultimately it is always what family best meets the needs of a child, you can have input into the selection of the family.

What about the adoption of aboriginal children?

The *NWT Adoption Act* stresses the importance of a child's emotional well-being and cultural background in relation to adoption. In keeping with this commitment, there is particular recognition given to preserving the unique heritage and cultural ties of aboriginal children.

You may want to discuss planning for your child with a representative of a band, or aboriginal organization. The choice is yours to involve the band in the adoption planning process, or not.

Can I just give my baby to a family I know and like?

No. It is a criminal offence. Only an approved social worker can place a child for adoption under the NWT Adoptions Act. It is also against the law for you to receive any payment or reward for the placement of your child.

For more details about criminal offences, see the section "Offences".

Can my baby go directly from the hospital to the adoptive family?

In a private adoption, yes, if the adoptive family have been approved by the Director of Adoption, and you have provided your consent to adopt. If you have not consent to the adoption, the adopting parents may make interim arrangements through their lawyer so placement can occur directly from the hospital.

In a Departmental adoption, where a parent delivers their child to a social worker, the child may spend a short time in a foster home until the permanent custody order is obtained, before the child may be placed with the adoptive family.

What happens if I change my mind after the 30 days?

In a private adoption, you will need legal advice if you change your mind 30 days after you have given your consent.

In a departmental adoption, if you change your mind after the permanent custody order is made, you can appeal the order, but you will need a lawyer to assist you.

What is an Adoptions Family Assessment and Pre-placement Report?

The Adoptions Family Assessment and Pre-Placement Report consists of a number of interviews between the family who wants to adopt and a social worker. The social worker gets to know the parents, and must be comfortable with their ability to bring up a child in a good and loving home. Parents must be healthy and emotionally stable to be able to raise children in a caring way. The Adoptions Family Assessment, which leads to the Pre-placement Report, is a kind of education for parents too. Once they learn as much as they can about adopting, they are asked to look at their own abilities and decide if they have the skills for this important job.

What if my child has a disability?

A disability does not have to stop a child from being adopted. There are many parents who have adopted children with various disabilities and have provided them with loving, happy homes.

Who registers the baby's birth?

The birth parent(s) does. There are forms for this at the hospital. By law, the parent must register the baby's birth within 30 days. Most parents give their baby a full name, even if they have adoption in mind.

What information do I need to provide about myself in planning an adoption?

In planning an adoption, it is important to provide as much medical and social information as possible about both of the birth parents and their families. Your medical and social history will help the adoptive parents to understand the child's needs and provide the best care possible for the child. (Names and addresses which identify you and your family members will be deleted from the information provided to prospective adoptive parents) Medical and social history information you provide will be preserved for the child in his/her record of adoption. The child may have access to this information when he/she reaches 19 years of age.

Will I know when my baby's adoption is completed?

If you ask your social worker to notify you they will let you know.

To avoid delays in adoption placement, it is best to act early in your pregnancy, to find out if adoption is what you want for your child. No matter what you plan, getting advice and care early will help both you and your baby.

What is the adoption registry?

When an adoption is finalized, the adoption record is placed with the Adoption Registry. The adoption record is closed until the child reaches the age of majority. The Adoption registry is managed by the Registrar of Adoption with the Department of H&SS.

Under the *NWT Adoptions Act* an adopted person, the natural parents, siblings and grandparents can have access to registry information when the adopted person is 19 years of age. To obtain information from the adoptions registry an applicant must complete an Adoption Registry Application for Information form.

For adoptions completed under the old legislation (before November 1, 1998) information from the adoption record can only be disclosed by the Registrar of Adoption if written consent is obtained from the parties to the adoption (the adopted person, and birth parents) Persons wishing to obtain registry information must complete an Adoption Registry Application For Information form.

Offences

For adoptions completed in the NWT and governed by the *NWT Adoptions Act*, applicants must take note of the following summaries of offences under the *NWT Adoptions Act*:

- No person shall receive a child for the purpose of a private adoption unless the person is entitled to petition to adopt under the NWT Adoptions Act and the person has obtained the Director's written approval of the proposed placement. To do so is an offence and liable on a summary conviction to a fine not exceeding \$10,000 or imprisonment up to one year (Section 6).
- No person shall place outside the NWT a child who is ordinarily resident in the Territories unless the person had obtained the Director's written approval. To do so is an offence and liable upon summary conviction to a fine not exceeding \$10,000 or imprisonment up to one year (Section 42).
- No person shall publish in any way, an advertisement searching for a child for adoption or to find adoptive parents for children. Every person who does, with exception of the Director of Adoptions, is guilty of an offence and liable on conviction to a fine not exceeding \$5,000 to imprisonment for a term not exceeding six months or to both (Section 74).
- Every person, other than the Director, who gives or receives any payment or reward, either directly or indirectly, to obtain or assist in obtaining a child for the purpose of adoption is guilty of an offence and liable upon conviction to a fine not exceeding \$10,000, to imprisonment for a term not exceeding one year or both. This does not apply to the payment of costs and charges for services under the NWT Adoption Act or Regulations, such as fees and expenses to a lawyer for proper legal services or fees and expenses to a medical professional for the required medical examination and report (Section 75).

What is aboriginal custom adoption?

Separate adoption legislation called the Aboriginal Custom Adoption Recognition Act governs custom adoptions, and these adoptions are certified by community Adoption Commissioners. Contact your local Adoptions Commissioner for more information.

What types of adoption are available in the NWT?

Select a type of adoption to learn more:

- Departmental Adoption – adoptions of children who are in the permanent custody of the Director of Child and Family Services.
- Private Adoption – adoptions of children who are not in care of the Director. This is a private arrangement between the birth parents and adopting parents, although there are requirements to be met under the NWT Adoptions Act.
- Step-Parent Adoption – this occurs when a non-biological parent wishes to adopt the child of his/her spouse.
- Interprovincial Adoption – this refers to the adoption of children in government care of another province/territory.

- Intercountry Adoption – this occurs when the child being adopted resides outside of Canada.
- Aboriginal Custom Adoption – separate adoption legislation called the Aboriginal Custom Adoption Recognition Act governs this adoption.

For further information:

Contact your local Health & Social Services Authority or,

Visit the following website:

www.hlthss.gov.nt.ca – NWT Department of Health and Social Services (See Programs & Services Section)