

Newfoundland & Labrador Association of
Social Workers

Review of the Adoption Act

Presented to: Ms. Christine Osmond
Provincial Director of Adoptions
Department of Child, Youth & Family Services

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Introduction

The Newfoundland and Labrador Association of Social Workers (NLASW) is the professional association and regulatory body for over 1400 social workers in Newfoundland and Labrador. The mandate of the NLASW is to ensure excellence in social work. As a profession, social work is committed to improving the well-being of individuals, families and communities through intervention and counselling, collaboration, research, health promotion, policy and program development, and community capacity building.

In Newfoundland and Labrador, the profession of social work is diverse with social workers practicing in various settings. In the pursuit of excellence, the NLASW is actively engaged in social policy analysis. In this submission, it is our intention to provide input and recommendations into the review of the Adoptions Act for the province of Newfoundland and Labrador (NL).

The discussion guide for the review of the Adoptions Act is divided into five primary sections with specific questions pertaining to each section. This submission will respond to each of the questions as presented to give feedback. In preparation for this submission, a call for requests for feedback was sent to all social workers in the NLASW Update. Individual social workers with knowledge in the respective areas were identified and their feedback was also obtained.

PART I: Interpretation and Administration

Should the Department of Child, Youth and Family Services broaden the definition of relative in the legislation? If so, to what extent?

Family connections are important in the lives of all individuals. The definition of a relative is “a person connected by blood or marriage”. Expanding the definition consistent with other jurisdictions in Canada is appropriate if clearly defined in legislation and policy. Current mechanisms implemented by the court need continuous evaluation to ensure the safety and well-being of the child.

Are there any other factors that should be considered in determining the best interest of the child when planning for an adoption?

The current legislation includes the key factors focused upon the best interest of the child. Although perhaps inherent in this list, additional considerations are identified as the physical, mental and emotional well-being of the child and the social community of the child.

PART II: Custom Adoption

Should future legislation in Newfoundland and Labrador make provisions for the recognition of custom adoption, noting any concerns or benefits? If yes, how?

The ability to recognize a custom adoption, in the best interest of the child, would be an important component of a new or revised Adoption Act. The legislations that exist in other Canadian jurisdictions could act as frameworks for how this might be included in the NL legislation. The Department of CYFS has indicated that exploring the views of Aboriginal persons in this province will be part of this decision and the Newfoundland and Labrador Association of Social Workers supports this direction. The Canadian Association of Social Workers Guidelines for Ethical Practice (2005) speaks to the requirement to seek knowledge and understanding of cultural values, beliefs and customs and to acknowledge the diversity which exists. Exploring custom adoptions in the revised legislation would be consistent with these guidelines.

PART III: Adoptive Parent Recruitment

Should the Department of Child, Youth and Family Services explore the use of child specific recruiters in Newfoundland and Labrador, noting any concerns or benefits?

Child specific recruiters dedicated to developing an individualized plan for a particular child and determining the best option to ensure that the child has a permanent adoptive home is a valuable resource. It would be important that those fulfilling the role have knowledge and expertise in family dynamics, the pre and post adoption adjustment process and understand child welfare practice. Identified competencies for those engaging in social work practice include these elements and specifically *the ability to assess client's needs and readiness for adoptive placements* and *the ability to assess suitability of applicants to be adoptive parents*. Therefore, NLASW recommends that the role is filled by registered social workers.

Should the Department of Child, Youth and Family Services consider using a secure matching website to assist in the matching of children who are in the continuous custody of a manager of Child, Youth and Family Services with prospective adoptive families, noting any concerns or benefits?

Technology, appropriately used, is helpful in the provision of many services and could be beneficial in the manner which is described in the discussion document. For social workers who are either recruiting adoptive applicants or who have completed home

studies, this can be a helpful resource. Social workers who use all forms of technology in practice in this province are required to adhere to the NLASW Standards for Technology Use in Social Work Practice. This document sets out eight standards for consideration including the use of technology in a manner which is grounded in the values and ethics of the profession respecting principles of informed consent and confidentiality. It would be important to have clear policies outlining the appropriate use of these matching sites, access to records, and linkage with professional standards where appropriate.

Respecting adoptive applicants who have been approved, it would be important to have clear policies relating to access and how information gained from the website can be utilized or shared. One consideration may be levels of access. For example, will families approved for children over a certain age limit only have access to information about children in that age category?

Respecting children in care, the issue of informed consent would also need to be highlighted and discussed. What are the views of older children on the use of a secure matching website?

Are there any other options that the Department of Child, Youth and Family Services should explore to recruit prospective adoptive families for children in the continuous custody of a manager of Child, Youth and Family Services?

Other options such as public advertisements of children and open meetings with the public appear to be unnecessary sharing of information given that applicants for adoption must go through an approval process. Therefore, dedicated resources for recruitment and utilizing technology in the manner described above would be beneficial.

Linkage with the NL Foster Family Association and general public education about adoption would also be helpful.

Part IV: Residency Requirements

Should the residency requirement be changed for persons interested in applying to become an adoptive parent? Please provide benefits and/or concerns.

It is consistent across the country that prospective adoptive parents should be a resident of the province. The question relates to the time line of six (6) months. The major factor in reducing the timeline is if all other requirements and assessments can be completed. The reasons why the family has recently moved to the province would need

to form part of the assessment process in keeping with the requirement for stability and continuity in the child's care.

Part V: Adult Adoption

Should residents of Newfoundland and Labrador benefit from the ability to complete an adult adoption? Please provide benefits and/or concerns.

The ability to complete an adult adoption should be available in this province if it is available in other Canadian jurisdictions. Consideration should be given to whether it is a component of this legislation or should be included in another form of legislation.

The intersection with existing disabilities programs for adults as well as the Adult Protection Act would need to be explored. Capacity is another issue that would need to be considered (adoptees' ability to understand relevant information, ability to appreciate the situation and consequences, ability to reason and ability to communicate and express a choice).

Are there particular criteria that an individual should meet in order to adopt another adult?

If all parties are making an informed decision and are able to provide consent to the adoption, then the court process should be fairly straightforward. If an individual is chronologically above the age of majority but is assessed to be developmentally at an age under the age of majority then the same considerations that exist for a child adoption should apply.

Conclusion

The current review of the Adoption Act is an important process in ensuring that adoption policies and practices are responsive to the needs of children, adoptive parents, families and communities in this province. The Newfoundland and Labrador Association of Social Workers appreciates the opportunity to provide input into this review.