

Regulation of the adoption of minors in Saskatchewan

Adoption is the permanent, legal transfer of all parental rights and responsibilities for a child from the birth parents, or government, to the adoptive parents. The adopting parent becomes the parent and guardian of the child, just as if the child had been born to that parent. The child is granted all the legal rights that a biological child of those parents would have.

It is considered a fundamental right and in a child's best interests to remain with his or her biological family and to be raised by his or her biological parent(s). When this is not possible, adoptive parents can provide a safe, nurturing and permanent family for a child. Both birth parents must consent to the transfer of their parental rights to the adoptive parents. However, a court application can be made to dispense with the consent of a parent.

Intercountry Adoption

Canada is a signatory to the *Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption* (commonly called the "Hague Convention"). It is intended to prevent abuses, such as abduction, sale or trafficking of children. It applies even to adoptions by relatives of the children. **See questionnaire completed by the federal government of Canada**

The Intercountry (Hague Convention) Implementation Act implemented the Hague Convention in Saskatchewan. In Saskatchewan, the Minister of Social Services is the Central Authority, and is responsible for carrying out the duties set out in the Convention. Under Saskatchewan's *Intercountry Implementation Act*, all intercountry adoptions involving Saskatchewan must adhere to the Hague procedures, and standards even where the child or prospective parents reside in a country which is not a contracting State.

A proposed adoption must address the adoptability of the child, and specifically include information about what consideration the State of Origin has given for placement of the child within his/her own country. According to the Convention, a 'Central Authority' (which in SK is the Minister of Social Services or his designate) or a 'Competent Authority' (which, in a foreign/non-contracting State, could be an agency or a lawyer, but still must be sanctioned by the country to perform duties related to adoption) must ensure that a birth parent has been properly counseled on adoption (which must be verifiable) and both States must agree to the adoption proceeding as being in the best interests of the child. Only authorized persons can carry out the process of an adoption. Saskatchewan only accepts proposals of children for adoption where a Central/Competent Authority has been involved and can verify the adoptability of the child. The only exception is where someone is applying to adopt a relative. (However, a State must still be able to verify that a related child is eligible for adoption and meets all eligibility and abandonment requirements.) All adoptions must be done in the interest of creating a true parent-child relationship.

A home study is required for all intercountry adoptions, except where someone is applying to adopt a relative and the sending State is in agreement there be no home study. A report prepared on the child that includes a social history and medical information is also required.

There are no agencies within SK that perform intercountry adoptions, however Saskatchewan residents can use the services of an accredited agency in another jurisdiction.

The Convention prohibits the payment of fees, except reasonable costs, expense, and remuneration, including professional fees. Saskatchewan regulates fees that are charged by agencies licensed in Saskatchewan. Saskatchewan also tries to monitor the fees that Saskatchewan applicants would pay; if there is a suspicion that fees are not being regulated or are not 'reasonable' for the services carried out, Saskatchewan would attempt to intervene with the licensing body.

Parents wanting to adopt must also apply to Citizenship and Immigration Canada. The Department of Citizenship and Immigration Canada may be asked for assistance in investigating the concerns of a competent authority in Canada with respect to possible child trafficking or undue financial gain in the context of intercountry adoptions in a particular country. Where substantiated evidence is collected, applications for immigration or citizenship regarding children adopted in that country may be refused by the Department of Citizenship and Immigration. In such situations, the competent authority in Saskatchewan will also reject applications for adoption from this country. **See questionnaire completed by the federal government of Canada.**

For further information about intercountry adoptions, parents can review the handbook available at: <http://www.socialservices.gov.sk.ca/intercountry-adoption.pdf/>