



Adoption in Ontario

What You Can Do to be Prepared



by
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There is no easy way to adopt. Most people start with the idea that they will try and find a child through the Internet or through friends, and then will they consider beginning the adoption process.

They have it backwards.

Being prepared means that you have gone through the necessary programs and had a very thorough home study completed.

A Frustrating Story

A couple contacted us one day to indicate that they had identified an adoption opportunity through the Internet. They had exchanged online with a birth mother for a number of months. She was due anytime now and they were convinced that she was going to place her child for adoption with them.

In our discussion we asked them about their home study and they gave us a blank look. We indicated that a home study as well as government approval were required prior to placement. We also pointed out that not every child is suitable for adoption placement with every couple; there has to be an appropriate match. The best interest of the child

has to be taken into account.

The first reaction from the couple was frustration. They were a wonderful couple, they had a solid marriage, they wanted to parent a child or children and why should they be denied the opportunity they had developed?

The fact is, had they done some preliminary research they would have realized very quickly that they had to be prepared to adopt, not only with respect to the background checks but with respect to counseling as well.

Adoption is very special. We know a lot more today than we did years ago. Counseling does not involve someone sitting and lecturing you in a room and telling you how to parent a child, but is more based on a discussion of

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your thoughts, your philosophy and how you will deal with certain circumstances in raising a child.

Prepare for the surprises

Raising an adopted child is different from raising a biological child. The following are some examples of issues that may arise. You have to be prepared for the surprises.

Regardless of whether you say that you are going to treat the child as if the child had been born naturally to you, those around you, particularly relatives or friends may not do the same. It is not unusual for some family members to consider an adopted child to be different than children born naturally within the family. People are often surprised and disappointed with the way people react to an adopted child.

The issue of how you tell a child about adoption, when you tell them and what you tell them is also very important.

Finally, the rights of the birth father as well as those of the birth mother must be taken into account. In meeting with this particular couple we asked about the birth father and they said that the birth mother didn't want the birth father to be involved. When we explained that may not be her choice, they were surprised.

A birth father may have rights depending on the circumstances. Sometimes a birth mother will say she doesn't know who the birth father is simply to exclude him, but after a while we find out who the birth father is and we often have to include him. The child has a right to know. It is not appropriate for a birth mother to fail to disclose who the birth father is.

That is what good counseling does: It prepares you so that you can anticipate many of the issues that can, and will, arise.

Health issues

Finally, there are issues of health. The birth father and mother may have serious health issues which may be genetic, and the more information we get the better. The child may also be subject to serious problems as a result of the lifestyle of the birth parents.

Some prospective parents will indicate that they are willing to adopt a child regardless of the circumstances, thinking that that would be the natural unfolding of events if they were having the child themselves. This is not the case. If the couple qualifies for adoption they are likely not using drugs or abusing their bodies the way a birth couple may be. This type of naive approach is not fair to the child. The intended parents need counseling and need to be prepared.

For the couple in question it was just too late. The child was born within a week and there was no way that we could get the application prepared in time for the child to be with them in any reasonable period of time. It was unfair for the child to be placed in a foster home for months on end while the adopters were getting their home study done and taking the counseling sessions.

The lesson in all of this is: be prepared. If you really want to be considered for adoption then get your counseling completed, register for the programs that are necessary and have your home study completed. Once that is done, we can act on fairly short notice. Indeed, you may be investing in something that may never happen, but that is a risk you have to take.





Disappointment

Sometimes third parties call to indicate that there is an adoption opportunity because the birth mother is going to deliver within a few weeks and there is a recommendation with respect to an individual or a couple looking to adopt. We have to specify that nothing should be said at this time until we find out whether the individual or couple is ready to adopt. Often after having a general discussion about adoption with the prospective parent(s) we find that in fact they have not even begun the process because they didn't feel they wanted to invest the money until they had a sure thing.

There is no such thing as a sure thing. In these circumstances we certainly don't tell the individual or couple that they have missed out on an opportunity, but we reiterate the fact that they need to be prepared. This kind of scenario has happened on a number of occasions and it is very sad because the person who wanted to place the child had a specific situation in mind.

The lesson in all of this is, again, to be prepared. We have to advise that there are very few placements and, as a result, very few children available for adoption for many reasons.

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That is what good counseling does: It prepares you so that you can anticipate many of the issues that can, and will, arise.

The odds of having a child placed with you are not great but the odds are zero if you are not prepared.

There isn't anything we can do about the availability of children for adoption. You can only control what is in your hands and that is your own preparedness. Go through the necessary steps, as early in the process as you possibly can.

How much does it cost?

Although each province has its own rules, some general principles apply. Many steps are involved in an adoption and the costs can vary. Private domestic adoption will usually cost approximately \$15,000. International adoption costs range from \$25,000 to \$50,000.

Private Domestic Adoption

Adoption requires a very detailed investigation and review by an adoption practitioner who will look into your background, your relationship with your spouse or intended co-parenter (if applicable, your motivation to adopt and your ability to adopt.) The adoption practitioner also looks at the appropriateness of the match. Although birth parents tend to prefer that a couple adopts their child, a single person may also adopt. The choice is that of the birth parent(s) not of the lawyer.

The birth parent(s) have a different adoption practitioner. Their adoption practitioner will spend time getting to know the birth





Licenses and agencies are well trained to facilitate adoptions and to handle matters both prior to birth and right up until the finalization in court.

Key Steps in the Adoption Process

There are three significant steps that occur prior to and following the birth of the child that the licensee or agency is responsible for:

1. A child can only be placed for adoption after the licensee or agency has received government approval for the placement.
2. Birth parent(s)' consent(s) can only be given after the child is seven days old and the consent(s) maybe withdrawn within twenty-one days.
3. Following the placement of the child in the home, the adoption practitioner visits the family and prepares a report on the adjustment of the child which is then forwarded to

parent(s), preparing a social history and providing significant counseling.

In some provinces, such as Ontario, an adoption licensee or agency is required to oversee the adoption process. A licensee is usually a lawyer but can also be a specially trained

social worker. An adoption agency is licensed by the government. The licensee or agency coordinates the adoption activities and arranges for the adoption placement. They are responsible for the child during the adoption process.

There are many ways to make a family

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are infertile...

But that won't stop them! They are going to adopt a newborn baby through private domestic adoption.

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Our promise to you

*With love on our hearts
Stacy and Stephen*

Stephen & Stacy

Adoption Corner

the government for their final approval to finalize the adoption in court. The birth parent(s) adoption practitioner continues to counsel the birth parent(s).

Examples of Issues Relative to the Court Process

A court application is required to complete the adoption. In many cases the consent of one or both birth parents is not available. An application has to be made to deal with the absence of consent. The application to the court aims at dispensing with the consent of a birth parent.

If the child is of aboriginal heritage then the pertinent Band has to be notified in advance of the placement, as the child may have significant aboriginal rights that need to be protected. The Band may choose to intervene and this has to be anticipated.



Responsibility for Costs Regardless of the Outcome

The adopting applicants are responsible for costs regardless of the outcome. In situations where birth parents change their mind prior

to placement or within the timeframe allowed to withdraw consent after placement, the applicants are responsible for all of the costs including legal costs. The costs include the fees of both adoption practitioners for providing counseling services. As a result, there are

IVF Canada/Life Program has been providing infertility treatments to patients across Canada and around the world **for 30 years!** A leader in the field of Assisted Reproductive Technologies (ARTs), IVF Canada/LIFE Program is a free-standing surgical facility offering the most advanced technologies available for the treatment of male and female infertility.

Our personalized patient care, consideration of couples with unique circumstances and timely access to treatment has made us the most patient-focused and accessible private IVF clinic in Canada.

IVF Canada/LIFE Program provides a comprehensive list of fertility services:

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- PGD (Preimplantation Genetic Diagnosis)
- Egg Freezing
- Egg Donation
- Gestational Surrogacy
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- IVM – treatment for patients with polycystic ovaries
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significant expenses associated with adoption and it is very important to understand those costs before you become involved. There should be a very thorough budget prepared outlining the various costs and risks associated



with the adoption so that you know exactly what you are getting into.

International Adoption Costs

Many of the issues outlined above apply to international adoptions, but these involve more risks and procedures. For this reason the costs for international adoptions are higher. You first have to deal with the province where you live. That may require provincial government approval for placement, even before you go overseas. It should be remembered that the finalization of the adoption usually takes place in the province where you live, and it is rare that the adoption is finalized in the country where the child is born. However, there are still legal and administrative costs which must be

met in the country where the child was born.

Finally, there are significant travel costs associated with adoption. You may have to spend weeks in the country in which you are adopting before the child is placed with you. There are inherent risks associated with international adoption and you need to be able to manage expectations. You want to get as much information upfront as possible. Each case is different and it is rare that adoptions follow exactly the same path. As someone said, *“Adoption was a bumpy ride, very bumpy, but gosh was it worth the fight.”* ●

About the Author

David Nash has been an adoption practitioner since 1976. He has been licensed in Ontario since the license system was implemented in the 1980s. He primarily deals in private domestic adoptions in the province of Ontario although occasionally has handled adoptions from other provinces and internationally. David is one of the few licensees in southern Ontario and the work that is involved for adoptions is outside the scope of practice of Family Lawyers. While David's practice is varied, adoptions are the area that gives him the most satisfaction.

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