



**Saskatchewan  
Community Resources  
and Employment**

Child and Family  
Services Division

# A Guide to Intercountry Adoption

Information for Prospective  
Adoptive Parents in Saskatchewan

ADO-1 09/04

“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 20 November 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),”

From the preamble to the

***Convention on Protection of Children  
and Co-operation in Respect of  
Intercountry Adoption***

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The decision to raise a child, whether biological or adopted, is always a serious matter requiring careful consideration.

To successfully create an adoption that is in the child's best interest, everyone who is part of the adoption must genuinely co-operate and respect the rights and needs of all parties involved in adoption.

This booklet will provide prospective adoptive parents in Saskatchewan with general information about the requirements and the process involved in adopting a child from a country other than Canada, referred to as intercountry adoption.

## **Overview**

Adoption is the permanent, legal transfer of all parental rights and responsibilities for a child from the State or the birth parents to adoptive parents. It is considered a fundamental right and in a child's best interest 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.

Adoption is a major life-changing event and one that affects all members of the adoption circle for the rest of their lives. Over the course of their lifetime, birth parents, adoptive parents and children of adoption will encounter and deal with important issues related to their adoption.

While adoption meets some of the needs of each member of the adoption circle, the primary focus in adoption is to safeguard and serve the best interests of the child. The legal process and procedures involved in adoption are intended to protect the rights of all parties in adoption – the child, the birth parents and the adoptive parents.

Adoptions are regulated and monitored with the intent to:

- Prevent the exploitation of children, birth parents and adoptive parents;
- Ensure all legal and ethical requirements are met, including proper consent for an adoption;
- Ensure objective and unbiased assessments of the needs of all parties to the adoption;
- Ensure objective and fair personal counselling and education regarding the process and decision-making.

Intercountry adoption services are provided by adoption authorities or by delegation to accredited entities or other approved and qualified professionals.

All intercountry adoptions must be completed through accredited child-placing or child welfare agencies. These agencies must have proper authority to place children for adoption in the child's country of origin and to provide services to birth parents and adoptive parents in their country of origin.

### ***Criteria For Prospective Adoptive Parents***

To apply for intercountry adoption in Saskatchewan, prospective adoptive parents must be Saskatchewan residents and have Canadian citizenship, or be eligible for permanent resident status in Canada. Individual assessment is made on each application based on the ability of the prospective adoptive parent(s) to successfully parent an adopted child.

Many foreign countries have specific eligibility requirements for adoptive parents, in addition to suitability to adopt, such as maximum or minimum age, marital status, etc. At the start of

planning, prospective adoptive parents should ensure they meet the criteria of the country to which they plan to apply for adoption. They should also select a second country at the early stages of planning in case an application cannot proceed, for whatever reason, with the first country selected.

## **Intercountry Adoption Laws**

*The Saskatchewan Intercountry (Hague Convention) Implementation Act*, created in 1997, *The Adoption Act*, 1998 and Adoption Regulations govern intercountry adoption activity in Saskatchewan.

In May 1993, over 60 countries, including Canada, reached agreement on the *Hague Convention On The Protection Of Children And Cooperation In Respect Of Intercountry Adoption* (commonly called the Hague Convention). The Convention safeguards the best interests and fundamental rights of children in adoption by setting international standards and procedures between a child's country of origin and the adoptive parents' country of residence. It is intended to prevent abuses, such as abduction, sale or trafficking of children, and improper financial or other gain. The Convention applies to all adoptions, including relative adoptions, that occur between signatory countries. The Convention requires each contracting State to designate a Central Authority to discharge the duties imposed by the Convention.

In Saskatchewan, the Minister of Community Resources and Employment is the Central Authority for the purposes of the Hague Convention.

Saskatchewan Community Resources and Employment, as the provincial body that oversees adoption in Saskatchewan, is responsible for

ensuring the standards of the Hague Convention are followed. These standards have been enacted as law in our province. They apply to all intercountry adoptions including relative adoption and the adoption of children from countries that do not participate in the Convention insofar as international law allows.

Most countries have laws in place regarding who may make arrangements to place children for adoption. Countries where adoption has been unregulated have had the most problems with unscrupulous or unethical adoption practices.

### ***Children From Other Countries***

It is the responsibility of the authority in the child's country to determine which children are eligible for intercountry adoption. In most countries, efforts are made to find a suitable adoptive family for a child within that country prior to permitting adoption by foreign adoptive parents.

When identifying a country from which to adopt, prospective adoptive parents should consider eligibility requirements, financial cost, expected waiting time and the special needs of a child from another country. Often children are of a different culture, ethnicity, race and linguistic background than prospective adoptive parents. Many will have special needs related to their pre- and post-natal development and environment. Every child too comes with his or her own unique personality, disposition, strengths and limitations.

Most children identified for intercountry adoption have experienced events in their short lives that are to some degree traumatic, including separation from their biological parents. Many children are living in orphanages and may not



have been provided with good prenatal care, healthy stimulation or health care services. Diseases and health problems that have been virtually eliminated in Canada, including malnutrition, parasites, minor congenital defects, tuberculosis and Hepatitis B, may still be common in some countries.

Research to date indicates most children adopted from other countries do overcome past difficulties and make significant developmental progress with the dedicated caring and commitment of an adoptive family. However, some children will have long-term developmental or behavioural problems.

The Hague Convention requires the child's country of origin to prepare a report regarding the child's needs, health, development and background. Although there may be very little health, medical or background information available, it is important that prospective adoptive parents have as much information as possible about the circumstances and events of a child's life and that they consult with their doctor or other child development professionals before they make the decision to parent an adopted child.

### ***The Homestudy***

The homestudy is a process that identifies the interests, motivation, suitability, eligibility and ability of prospective adoptive parents. Information to be detailed may include family background and medical history, acceptance of and knowledge of other cultures, races and traditions, personality, education, financial ability and community participation. Counselling is part of the homestudy process, and can be done on an individual or group basis.

Homestudies include a combination of joint and individual personal interviews with the prospective adoptive parents and any other persons living in their home.

The homestudy process helps to educate and prepare prospective adoptive parents. The process can begin when an adoption worker or approved adoption practitioner is available. Most homestudies take approximately three months to complete.

Upon completion of the homestudy, a written report is prepared that summarizes the prospective adoptive parents' background and parenting capacity and contains information and insight from a variety of sources.

The homestudy report must contain current information (no more than six months old) when submitted to another country. If any significant change occurs in the applicant's personal or family status or other related circumstances, updated information is required immediately.

A homestudy and report can be completed by a Community Resources and Employment adoption worker or by an independent adoption practitioner approved in Saskatchewan.

### ***The Adoption Dossier***

The Adoption Dossier is a compilation of documents required to support an application for adoption of a child. Although requirements differ from country to country, the following documents are often required:

- Application form from the other country;
- Homestudy report;
- Certified copy of Birth Certificate for each prospective adoptive parent;

- Copy of Marriage Certificate/Divorce Decree (if applicable);
- Physician's Medical Report for each prospective adoptive parent;
- Police record check for each prospective adoptive parent and for each adult living in the home;
- Character references from Church Minister or Priest, employer, members of the immediate community, etc.;
- Income Tax Return or other documents indicating financial capability;
- Letter from Saskatchewan Community Resources and Employment confirming approval for child placement;
- Confirmation of willingness to provide child progress reports;
- Recent photos of applicants, immediate family and community surroundings; and
- Psychological Evaluation by a licensed psychiatrist or psychologist.

Document preparation may include translation by an accepted translator, notarization by a Notary Public, legalization and certification or authentication by the provincial Lieutenant Governor, Department of Foreign Affairs & International Trade and the foreign Embassy or Consulate.

## ***Provincial Government Role***

Saskatchewan Community Resources and Employment is responsible for child welfare in the province, and oversees adoption in Saskatchewan, as stated earlier.

Community Resources and Employment approves intercountry child placement based on the homestudy report, supporting documents and recommendation by an adoption worker.

It ensures the proposed adoption is in accordance with the laws in Saskatchewan and the laws of the child's country of origin, assists in arranging placement of the child and may also provide other services for adoptive parents before, during and after adoption.

Adoption workers on staff at Community Resources and Employment work with prospective adoptive parents as they move through the adoption process.

The Minister of Community Resources and Employment is the Central Authority under the Hague Convention, and is responsible for accrediting individuals in Saskatchewan, called Independent Adoption Practitioners, to complete adoption homestudies and follow-up reports.

Community Resources and Employment is committed to continuous improvement of the provincial adoption program and service delivery, and welcomes feedback in these areas.

### ***Federal Government Role***

Prospective adoptive parents must apply to Citizenship and Immigration Canada (CIC) to sponsor a child for permanent residence in Canada.

They must also apply to CIC for Canadian citizenship for their adopted child as soon as the child receives permanent resident status. To make application, parents must already be Canadian citizens or be applying to become citizens. Additional details on how to complete the immigration process are available from CIC.

## ***Requirements for an Intercountry Adoption***

Under the Hague Convention, an intercountry adoption can take place after it has been established that:

- A child is legally free for adoption;
- Intercountry adoption is in the child's best interests;
- The prospective adoptive parents are determined to be eligible and suitable to adopt;
- The Central Authorities in both countries agree to the adoption; and
- The child can be authorized to enter and reside permanently in Canada.

Adoption authorities in the child's country of origin are responsible for establishing when a child can be legally adopted. As in Saskatchewan, certain conditions are expected to include:

- Full and informed counselling of the effects of adoption for the birth parents;
- Proper legal consents without any influence;
- Due consideration to possibilities for placement of the child within the country of origin;
- Confirmation that intercountry adoption is in the child's best interests; and
- Due counselling and consideration of the child's wishes and opinions based on the age and maturity of the child.

Adoption authorities in Saskatchewan are required to ensure that prospective adoptive parents are eligible and suited to adopt and that they have received the counselling and information they require. They also must have

assurance that the child is, or is likely, authorized to enter and reside permanently in Canada. This applies for every intercountry adoption, whether the child is already known, not known, related or unrelated to the prospective adoptive parents.

Saskatchewan residents must apply to Saskatchewan Community Resources and Employment for approval for intercountry child placement, and must complete a homestudy. Community Resources and Employment may place terms and conditions on the approval for intercountry child placement.

Prospective adoptive parents are expected to research information applicable to their own needs. They can be referred to sources of information, such as books and internet web sites, and also to support groups, experienced adoptive parents or professionals who can provide relevant information based on their adoptive experiences.

To determine if a child is authorized to enter and reside permanently in Canada, the prospective adoptive parents must make application to Citizenship and Immigration Canada for approval to sponsor a child for permanent residence in Canada.

### ***Adoption Agencies***

There are no adoption agencies accredited to provide intercountry adoption services in Saskatchewan. However, there are accredited adoption agencies in other provinces that will accept clients from outside their own province. Prospective adoptive parents in Saskatchewan are not required by law to use an adoption agency but many find that using the services of an agency, for some countries, can streamline the process considerably.

Agencies often specialize in providing services for the adoption of children from one or two countries, enabling them to be well-versed in adoption matters from those particular countries and to respond quickly to demands or emerging issues that affect prospective adoptive parents. Processes such as document preparation and travel and accommodation arrangements are usually handled quite routinely.

When prospective adoptive parents are doing their initial research, they are encouraged to contact agencies that specialize with a country from where they are interested in adopting. Most agencies welcome requests for information about their services and references from those who have already received services from them. They understand the need to provide verification of their license and terms of approval and to outline specifically their services and all fees related to those services.

Prospective adoptive parents who decide to use an agency should check with a number of accredited agencies to gain an understanding about services available and associated fees.

When adoptive parents choose to work with an agency, they need to notify their adoption worker at Community Resources and Employment, who can verify the agency's authorization, obtain information required from the adoption authority who licensed the agency, if necessary.

## **Costs**

Expenses for intercountry adoption are usually substantial. They will vary based on requirements of the child's country of origin, agency programs and other factors. Travel and accommodation away from home are factors that add to overall costs. Other expenses can include homestudy

fees, agency fees, fees for documents and reports, examinations, and translation and authentication of Adoption Dossier documents, immigration processing fees and child foster or medical care.

The Hague Convention under Article 32 states, “No one shall derive improper financial or other gain from an activity related to an intercountry adoption. Only costs and expenses, including reasonable professional fees of persons involved in the adoption, may be charged or paid. The directors, administrators and employees of bodies involved in an adoption shall not receive remuneration which is unreasonably high in relation to services rendered.”

Anyone considering intercountry adoption should create a list all the items required and estimated costs before making the decision to proceed.

## ***The Process***

The adoption and immigration processes occur almost simultaneously. As these two processes progress, other tasks requiring detailed planning also become evident, such as education about adoption and child development, requirements of a particular country and travel arrangements.

The processes and requirements vary by country; however, the following steps are necessary for most intercountry adoptions:

- Prospective adoptive parents research information about intercountry adoption, and seek information about programs available through accredited agencies in Canada. There is a tremendous amount of information about intercountry adoption, so it is important to identify credible sources of information and talk to others who have experience with intercountry adoption.



- Prospective adoptive parents determine whether parenting an adopted child is the right choice for them. They should identify strengths and limitations as parents and consider how they could successfully provide for the special needs of an adopted child and how their family's future will be affected.
- Prospective adoptive parents make an appointment with Saskatchewan Community Resources and Employment to meet with an adoption worker. (Note that intercountry adoption is not handled in all locations or offices.) In the meeting, one of the topics will be creation of an adoption plan.
- Prospective adoptive parents complete a Community Resources and Employment application for an intercountry child placement, and determine who will be completing the homestudy.
- Once creation of the adoption plan is complete, prospective adoptive parents participate in a homestudy with a Community Resources and Employment adoption worker, or an approved adoption practitioner, and begin to gather the required supporting documentation.
- When homestudy is complete, a Community Resources and Employment adoption worker compiles the Adoption Dossier according to the requirements of Saskatchewan and the other country. Once all the documents are translated, notarized, legalized and authenticated as required, Community Resources and Employment forwards the Dossier to the foreign adoption authority. Prospective adoptive parents should continue to prepare for the adoption while waiting for a child to be identified.

- Upon arrival of the proposal from the foreign authority, the adoption worker reviews the child proposal with the prospective adoptive parents, who should also consult with other professionals who can help assess the child's circumstances (i.e. family doctor). The prospective adoptive parents then make a decision to accept or decline the child.
- If the decision is made to accept the child, the prospective adoptive parents complete the necessary acceptance documents and await notice and approval from the foreign authority. Approval time frames vary by country. Parents should plan travel and accommodation for activation on short notice.
- Prospective adoptive parents travel to the other country to meet and bring their child home and to complete any other requirements necessary for the adoption. In some countries, prospective adoptive parents may attend the adoption hearing or visit the adoption authorities. When in the other country, take every opportunity to learn more about the child, his or her birth family, place of birth, etc. Record information in writing, by taking photos, etc.
- Upon return to Canada, prospective adoptive parents complete follow-up reports. If an order of adoption was not granted in the child's country of origin, application is made in Saskatchewan. If an order of adoption was granted by a court in the child's country of origin and it is substantially similar in effect to an order in Saskatchewan, nothing further is required.

An adjustment period is necessary for an adoptive family and a newly adopted child. Adoptive parents should ensure resources are in place for the child and the family, and should inform others of their needs as required.

Throughout life, adopted children and parents will experience a variety of issues at different developmental stages. Being prepared and informed will help in dealing with the challenges of parenting.

For more information about intercountry adoption, contact your nearest Community Resources and Employment office (*see last page*).

### ***Related Links:***

- [Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption](#)
- [Convention on the Rights of the Child](#)
- [Adoption Support Centre of Saskatchewan](#)

## Community Resources and Employment Offices – providing adoption services

### Centre Region

#### Saskatoon Office

122 - 3rd Avenue North,  
Saskatoon, SK S7K 2H6  
306-933-5961      306-933-6011 (Fax)

#### Kindersley Service Centre

113 - 2nd Avenue East,  
Kindersley, SK, S0L 1S0  
306-463-5470      306-463-5477 (Fax)

### Northeast Region

#### Prince Albert Office

800 Central Avenue,  
Prince Albert, SK S6V 6G1  
1-800-487-8603 (Toll Free)  
306-953-2589 (Fax)

#### Melfort Service Centre

107 Crawford Ave. E.,  
Melfort, SK S0E 1A0  
1-800-487-8640 (Toll Free)  
306-752-6200 (Fax)

#### Nipawin Service Centre

210 1st Street East,  
Nipawin, SK S0E 1E0  
1-800-487-8594 (Toll Free)  
306-862-1731 (Fax)

### Northwest Region

#### North Battleford Office

405-1146 102nd Street,  
North Battleford, SK S9A 1E9  
1-877-993-9911 (Toll Free)  
306-446-7525 (Fax)

### Meadow Lake Service Centre

Unit 5, 101 Railway Place,  
Meadow Lake, SK S9X 1X6  
1-877-368-8898 (Toll Free)  
306-236-7533 (Fax)

### Southeast Region

#### Yorkton Office

72 Smith Street East,  
Yorkton, SK, S3N 2Y4  
1-877-786-3288 (Toll Free)  
306-786-1305 (Fax)

#### Fort Qu'Appelle Service Centre

177 Segwun Avenue,  
Fort Qu'Appelle, SK, S0G 1S0  
1-800-667-3260 (Toll Free)  
306-332-3276 (Fax)

#### Weyburn Service Centre

110 Souris Ave. N.E.,  
Weyburn, SK, S4H 2Z9  
306-848-2404      306-848-2477 (Fax)

### Southwest Region

#### Regina Office

2045 Broad Street  
Regina, SK S4P 3V7  
306-787-3700      306-787-4940 (Fax)

#### Moose Jaw Service Centre

36 Athabasca St. West  
Moose Jaw, SK S6H 6V2  
306-694-3647      306-694-3657 (Fax)

#### Swift Current Service Centre

350 Cheadle Street W.  
Swift Current, SK S9H 4G3  
306-778-8219      306-778-8668 (Fax)