



## **PLEASE NOTE**

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This document is *not* the official version of these regulations. The regulations and the amendments printed in the [Royal Gazette](#) should be consulted to determine the authoritative text of these regulations.

For more information concerning the history of these regulations, please see the [Table of Regulations](#).

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## CHAPTER A-4.1

### ADOPTION ACT

#### REGULATIONS

Pursuant to section 57 of the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, Council made the following regulations:

#### 1. In these regulations

	Definitions
(a) “accepted standards of professional practice” means practice methods which are consistent with (i) a person’s professional training; (ii) current teaching as given in recognized professional schools and reflected in professional journals and reports, (iii) customary practices generally evident among peers in Canada, (iv) codes of ethics and other such standards of practice as published by professional organizations in the person’s field;	accepted standards of professional practice
(b) “Act” means the <i>Adoption Act</i> R.S.P.E.I. 1988, Cap. A-4.1;	Act
(c) “adoption study” means a pre-hearing adoption study under section 19 of the Act;	adoption study
(d) “assessment of placement risk” means the ascertaining of apparent risk in a placement which is required by clause 4(b) of the Act;	assessment of placement risk
(e) “authorized social worker” means a person who holds a valid certificate of authorization issued under section 75 authorizing the person to provide the services of placement counselling, assessment of placement risk, monitoring placements, pre-hearing adoption studies, and obtaining of consents;	authorized social worker
(f) “consent to adoption” means a consent under section 22 of the Act;	consent to adoption
(g) “consent to placement” means a consent by a birth parent as required under subclause 4(a)(ii) of the Act;	consent to placement
(h) revoked by EC499/04;	Director
(i) “placement counselling” means counselling of birth parent or parents as required under subclause 4(a)(i) of the Act. (EC526/93; 499/04)	placement counselling

## LICENSE

Requirements	<p><b>2.</b> (1) The requirements for a license to arrange placements pursuant to clause 3(c) of the Act are</p> <ul style="list-style-type: none"> <li>(a) registration in Prince Edward Island, with current good standing, as one of the following professionals: <ul style="list-style-type: none"> <li>(i) social worker,</li> <li>(ii) lawyer,</li> <li>(iii) physician,</li> <li>(iv) psychologist;</li> </ul> </li> <li>(b) successful completion of an information and training program in placement and adoption matters given or approved by the Director;</li> <li>(c) passing such examination and testing exercises as are conducted by the Director to demonstrate knowledge of, aptitude for and skills in applying the law, principles and accepted standards of professional practice with respect to placement and adoption.</li> </ul>
Corporations etc. not to be licensed	<p>(2) A license shall be issued only to an individual person, not to any corporation, partnership or group of persons. (EC526/93)</p>
Application	<p><b>3.</b> A person seeking a license shall apply to the Director in Form 1 (Application for a License) and provide such other information as the Director may require for assessing the application. (EC526/93)</p>
Training program	<p><b>4.</b> (1) The Director may offer, arrange for or approve the offering of an information and training program in placement and adoption matters, so that applicants may acquire the necessary qualification.</p>
<i>Idem</i>	<p>(2) The program may be either a standardized group program, or tailored to an individual applicant's particular training and experience. (EC526/93)</p>
Examination of applicants	<p><b>5.</b> The Director shall administer a standard examination and set of exercises to determine an applicant's knowledge, aptitude, and skills in applying the law, principles and accepted standards of professional practice with respect to placement and adoption. (EC526/93)</p>
License	<p><b>6.</b> (1) Subject to section 10, the Director may issue a license in Form 2 (License to Arrange Adoption Placements) to an applicant who meets the requirements of section 2 and pays the prescribed fee.</p>
Factors	<p>(2) The Director shall consider the following factors when assessing applications for a license under this section:</p> <ul style="list-style-type: none"> <li>(a) the number of adoption agents, if any, serving the geographical area in which the applicant proposes to provide an adoption placement service; and</li> </ul>

(b) the need for adoption services in the geographical area proposed to be served.

(3) Notwithstanding any other provision of these regulations, the Director may refuse to issue a license or limit the number of licenses issued pursuant to this section. (EC26/02)

Director's  
discretion

**7.** A person to whom a license is issued shall take an oath, administered by the Director, to maintain confidentiality with respect to the personal information involved in placement and adoption work, and to abide by the standards set out in these regulations and in such other policies as the Director may institute pertaining to the disclosure of identifying information. (EC526/93)

Oath of  
confidentiality

**8.** Where an applicant for a license does not fully meet the requirements, the Director may give directions as to further qualification, study, knowledge or experience which the applicant is to acquire before a new application will be considered. (EC526/93)

Directions,  
supplementary  
qualifications

**9.** (1) The term of a license is three years from the date of effect, unless a shorter term or a condition is imposed.

Term of license

(2) A person seeking to renew a license shall apply to the Director at least 30 days prior to its expiry, providing such information as the Director may require, and, subject to section 10, the Director shall, upon payment of the prescribed fee, renew the license. (EC526/93)

Renewal of license

**10.** The Director has authority to refuse to issue or refuse to renew, to suspend or revoke, or to impose conditions on a license if the Director has reasonable and probable grounds to believe that the person

Refusal etc. of  
license

(a) is not registered, in good standing, as a qualified person in one of the professions specified in section 2;

(b) lacks current knowledge of laws, principles, information and accepted standards of professional practice with respect to placement and adoption;

(c) lacks the aptitude and skills necessary for effective placement work;

(d) has failed, or is likely to fail, to follow all requirements of the Act and regulations and accepted standards of professional practice with respect to placement work;

(e) has not abided by the oath of confidentiality, and the laws and policies set by the Director governing disclosure of information; or

(f) has been convicted of an offence that is relevant to the performance of placement work. (EC526/93)

**11.** If there is any indication that an applicant or licensee may not qualify or be fit to have a license issued or renewed, or that the license should be

Investigation

suspended or revoked or that a condition should be imposed on it, the Director may make or cause to be made an investigation to determine the relevant facts and make a conclusion about fitness to be licensed. (EC526/93)

Notice to applicant of intended refusal etc.

**12.** Where the Director intends to make a negative licensing decision as referred to in section 10, the Director shall inform the applicant or licensee of the intended decision and the reasons for it, and give the person the opportunity to respond within seven days, before confirming the decision. (EC526/93)

Decision

**13.** Following the opportunity for response required by section 12, the Director shall in writing inform the applicant or licensee of the decision, and the reasons for it. (EC526/93)

Temporary suspension

**14.** In a situation where there are reasonable and probable grounds to believe that there is significant risk of serious harm resulting from the work or actions of a licensee, the Director may temporarily suspend the person's license pending investigation and action under sections 10 to 13. (EC526/93)

Transfer of records

**15.** A person whose license expires or is cancelled shall arrange with the Director for disposition of the licensee's records, so as to provide for security of the information and for possible use for authorized disclosure purposes. (EC526/93)

#### PERMIT

Application for permit for placement of child

**16.** A person seeking authorization to place a child through direct arrangement with a prospective adoptive parent rather than through the services of the Director, an agency or a person licensed by the Director, shall make an application in Form 3 (Application for a Permit) to the Director for a permit. (EC526/93)

Persons eligible to obtain permit

**17.** The Director may, subject to sections 18 and 20, issue a permit in Form 4 (Permit to make an Adoption Placement with a Relative) to

- (a) a birth parent;
- (b) the birth parents jointly; or
- (c) the legal guardian of the child to be placed,

but not to any other person. (EC526/93)

Requirements *re* prospective adoptive parent

**18.** A permit may not be issued unless the Director is satisfied that the prospective adoptive parent

- (a) is related, by blood or by adoption, to one of the birth parents as
  - (i) parent, aunt or uncle, sibling, half-sibling, first cousin, niece or nephew, or

- (ii) a relative of less direct relationship at the Director's discretion in a special case; and
- (b) is making the placement arrangements with the applicant, in a direct, co-operative and effective manner, without brokerage by an intermediary. (EC526/93)

**19.** In issuing a permit, the Director shall ensure that the applicant or applicants and the prospective adoptive parent or parents have an opportunity to become aware of options for and assistance with placement, and that they have knowledge of and agree to comply with the requirements of the Act and regulations concerning placement. (EC526/93; 614/96)

Knowledge etc. of obligations

**20.** The Director may refuse to issue, or may attach conditions to or revoke a permit if there are reasonable and probable grounds to believe that any of the following factors pertain:

Refusal etc. of permit

- (a) misrepresentation;
- (b) poor understanding of, or unwillingness to comply with, legal or practical requirements;
- (c) inadequate planning or significant risk that the placement and adoption plan will not be successful;
- (d) unwillingness or a change in willingness to make or support the proposed placement;
- (e) likelihood of harm to the child's basic welfare as indicated by the assessment of placement risk;
- (f) guardianship of the child has been transferred only as a convenience so as to facilitate placement;
- (g) a breakdown of the placement and adoption plan;
- (h) the proposed placement does not appear to be in the best interests of the child. (EC526/93; 614/96)

**21.** Revoked by EC499/04.  
(EC526/93; 499/04)

Transitional

#### PLACEMENT COUNSELLING

**22.** (1) Placement counselling shall be provided by an authorized social worker.

Counselling

(2) Notwithstanding subsection (1), placement counselling that is given in another jurisdiction may be provided by a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case. (EC526/93; 499/04)

Recognition of counselling in other jurisdiction

Guidelines **23.** A person who provides placement counselling shall do so following such guidelines and procedures as may be provided in policy or approved by the Director. (EC526/93)

#### CONSENT TO PLACEMENT

Consent to Placement **24.** (1) When a child is placed, each birth parent shall complete and sign a consent to placement, in Form 5 (Consent to Placement), signifying voluntary agreement to transfer custody of the child on the understanding that the purpose or likely outcome is adoption.

Execution (2) A consent to placement shall be executed after the birth of the child and before the child is placed or, where it was previously not known that adoption was the purpose or likely outcome, then as soon as it becomes evident that the child is in fact being placed for purposes of adoption. (EC526/93)

Dispensing with birth mother's consent **25.** Notwithstanding section 24, a mother's consent to placement and placement counselling are not required where guardianship of the child has been permanently transferred from her pursuant to an agreement or order under the *Child Protection Act* R.S.P.E.I. 1988, Cap. C-5.1. (EC614/96; 499/04)

Father's consent **26.** Where it is possible to identify and contact the person who is apparently the father of a child who is being placed, even though that person does not meet the requirements for clear entitlement to consent under clause 22(c) of the Act, the person arranging the placement, or an authorized social worker in a case of placement by permit, shall make reasonable efforts to
 

- (a) inform the presumed father that placement and adoption are intended;
- (b) explain to him the Act's provisions concerning establishing paternity and a father's entitlement to placement counselling and to consent or not to placement and to adoption; and
- (c) offer him the opportunity to sign a declaration in Form 6 (Declaration by Presumed Birth Father) to record that he has been so informed and that he does not wish to pursue or exercise entitlement to consent. (EC526/93; 614/96)

When father's consent not required **27.** Notwithstanding section 24, a father's consent to placement and placement counselling for the father are not required if
 

- (a) the child's mother makes a declaration in Form 7 (Declaration by Birth Mother) that the identity of the father cannot be established or that it is impossible to make contact with the father;
- (b) the court has, upon application at any time by the person making the placement, dispensed with the need for

- (i) placement counselling and consent to placement in accordance with section 4 of the Act, or
- (ii) a father's consent to adoption in accordance with section 26 of the Act; or
- (c) guardianship of the child has been permanently transferred from him pursuant to an agreement or order under the *Child Protection Act*. (EC526/93; 614/96; 499/04)

**28.** Before a consent to placement is signed, the person who provides placement counselling shall inform the birth parent that he or she may, if it is wanted, first seek independent legal advice about executing the consent. (EC526/93)

Independent advice

**29.** A consent to placement is not valid unless the person who provides the placement counselling witnesses it and signifies on it that counselling has been given for the three purposes specified by subclause 4(a)(i) of the Act. (EC526/93)

Affirmation that counselling provided

**30.** (1) The person who provides the placement counselling and witnesses the consent to placement shall give a copy of the consent to the consenting person, and shall provide the original of the consent to the person who is arranging the placement.

Distribution of consent

- (2) The person arranging the placement shall
  - (a) provide the original of a consent to placement to the Director, if possible accompanying the notification of placement required under section 42;
  - (b) retain a copy; and
  - (c) if required, make available a copy for the court in connection with an application for adoption. (EC526/93)

*Idem*

**31.** Where a person gives consent to a child's placement with a specified person or persons, the child shall not subsequently be placed with a different person or persons unless a fresh consent is obtained, or else the first consent expressly allows for a change without the need of a fresh consent. (EC526/93)

New consent if placement changed

**32.** (1) A person may revoke her or his consent to placement if she or he
 

- (a) has not given a consent to adoption which remains in force; and
- (b) gives notice to the Director, and to the person to whom the consent was originally given, and through that person to the person responsible for arranging the placement, so as to allow new custody arrangements to be made.

Revocation

(2) Where a consent to placement is revoked pursuant to subsection (1), custody of the child reverts to the person who had custody prior to the giving of the consent. (EC526/93; 614/96)

*Idem*



## RELIGIOUS AFFILIATION

Religious  
Affiliation

**33.** Where a child is placed by the Director or an agency, section 45 of the *Child Protection Act* applies, regarding the obligation, if a religious affiliation is identified as a relevant factor, that reasonable efforts be made to accommodate that affiliation in placing the child. (EC526/93; 499/04)

## ASSESSMENT OF PLACEMENT RISK

Assessment of  
placement risk

**34.** An assessment of placement risk shall be carried out before actual placement of a child or, if that is not possible or it was previously not known that adoption was the purpose or likely outcome, the assessment shall be conducted within the shortest possible time after it is evident that the child is in fact placed for adoption. (EC526/93)

Conduct of  
assessment

**35.** (1) An assessment of placement risk shall be carried out by an authorized social worker.

Recognition of  
assessment in other  
jurisdiction

(2) Notwithstanding subsection (1), an assessment of placement risk that is carried out in another jurisdiction may be conducted by a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case. (EC526/93)

Guidelines, etc.

**36.** A person who conducts an assessment of placement risk shall do so following such guidelines and procedures as may be provided in policy by the Director. (EC526/93)

Purpose of  
assessment

**37.** An assessment of placement risk is to be carried out as simply and quickly as practicable, with the purpose of establishing whether there is apparent risk of harm to the safety and the physical and emotional health of a child which is likely to result from a proposed placement. (EC526/93; 614/96)

Criteria

**38.** The criteria to be used in an assessment of placement risk are as follows:

- (a) consistent availability of resources to provide for the child's basic living needs including adequate food, clothing and shelter;
- (b) consistent availability or planning of appropriate child-care attendance;
- (c) no serious physical or psychiatric health problem or disability of a life-threatening degree or of such other nature as to significantly impede the applicant's capacity to parent;
- (d) no active addiction to alcohol or other drug on the part of any member of the household; where there is a history of such addiction,

the person must have maintained freedom from abuse or dependency with clear indication that the addiction or risk of abuse is satisfactorily under control;

(e) no evidence of domestic violence or abuse (whether physical, sexual or emotional) in the household; no substantiated report of domestic violence or abuse, whether of abuser or victim, within the past three years;

(f) no conviction whatever of any member of the household for a criminal offence that indicates likely inability to provide properly for the best interests of the child;

(g) no member of the household who was ever a parent or primary care-taker of a child found to be in need of protection under the child welfare laws of any jurisdiction;

(h) no evidence that the motives of the prospective adoptive parent or parents are likely to cause results contrary to the best interests of the child. (EC526/93; 614/96)

**39.** It is a placement requirement that the members of an intended placement household shall co-operate with the carrying-out of the assessment of placement risk, and assent to any necessary checks of information which might otherwise be confidential. (EC526/93)

Cooperation in  
conduct of  
assessment

**40.** (1) The person who conducts an assessment of placement risk shall prepare a report of it in Form 8 (Assessment of Placement Risk), and the report shall include either a statement that no evidence of risk has been found, or a description of any risk determined and the evidence on which that was based.

Report

(2) The person shall provide the assessment report to the person making the placement, with a copy to the Director.

Distribution of  
report

(3) The person who conducts the assessment shall permit the person or persons with whom the child is to be placed, as that person or persons may request, to examine the report or to have a copy of it. (EC526/93)

Access to report

**41.** (1) If an assessment of placement risk gives reason to believe that there is apparent risk to the child's basic welfare, then the person making the placement shall reconsider the plan, and either make adjustments and apply conditions so as to control the risk, or else make a new plan for placement of the child.

Revision of  
placement plan

(2) The person making the placement shall inform the Director of what measures have been taken under subsection (1) to mitigate apparent risk.

Mitigation of risk

(3) The Director, if not satisfied with the measures to mitigate the apparent risk, may direct that other measures be taken or, if not satisfied

Powers of Director

about the child's security and basic welfare despite mitigation measures, that the intended placement be cancelled. (EC526/93)

#### NOTICE OF PLACEMENT AND PLACEMENT INFORMATION

Notice to Director of placement	<b>42.</b> (1) The person who places a child shall, pursuant to clause 6(a) of the Act, notify the Director of the placement, immediately before or at the time of the actual placement, or where it was previously not known that adoption was the purpose or likely outcome, then as soon as it becomes evident that the child is in fact placed for purposes of adoption.
Form	(2) The notification shall be in Form 9 (Notice of Placement), and shall be accompanied if possible by the original of the consent or consents to placement. (EC526/93)
Background and placement information	<b>43.</b> The person who places a child shall, for the purposes of clause 6(b) and subsection 7(1) of the Act, complete or cause to be completed all Background and Placement Information documents supplied by the Director to record fully the identity, background and circumstances of the child, and shall submit the completed documents to the Director within the first month of the placement or as soon thereafter as may be possible. (EC526/93; 614/96)
Information to prospective adoptive parents	<b>44.</b> (1) For the purpose of furnishing information to the prospective adoptive parent or parents under subsection 7(1) of the Act, the person who places a child shall follow either subsection (2) or (3).
Full information	(2) In the case of a placement by a permit or where it has been agreed under clause 7(2)(a) that identifying information about parentage need not be kept secret, the person who places a child shall provide to the prospective adoptive parent or parents a copy of the full Background and Placement Information documents referred to in section 43 or a digest of all relevant contents of them.
Non-identifying information	(3) Where the intention is to keep parentage secret, the person who places a child shall prepare a version, edited according to such guidelines as the Director may provide, of the Background and Placement Information documents referred to in section 43 which omits any information that would identify the child's parentage, and shall <ul style="list-style-type: none"> <li>(a) furnish this non-identifying information to the prospective adoptive parent or parents; and</li> <li>(b) provide to the Director a copy of the information supplied, or otherwise notify the Director as to what information was furnished to the prospective adoptive parent or parents. (EC526/93)</li> </ul>

## GUARDIANSHIP AGREEMENT

- 45.** (1) A guardianship agreement made pursuant to clause 9(b) of the Act shall be in Form 10(a) (Guardianship Agreement). Guardianship agreements
- (2) The agreement shall specify that person or persons who has or have guardianship authority, whether fully or for particular types of decision, with a residual assignment of responsibility for any unspecified type of decision. Content of agreement
- (3) Subject to section 47, the agreement shall be signed by any person or persons having guardianship at the time the placement is made and by the prospective adoptive parent or parents, and if this is not done, or if there is any doubt about entitlement to assign guardianship, then full guardianship shall be deemed to rest with the Director. (EC526/93; 614/96) Signature
- 46.** (1) The original of a guardianship agreement shall be furnished to the Director and, subject to section 47, copies shall be given to Distribution of copies of agreement
- (a) the person or persons giving the child up for placement;
- (b) the person or persons with whom the child is placed;
- (c) the person responsible for making the placement; and
- (d) any other person to whom any element of guardianship is assigned by the agreement. (EC526/93)
- 47.** Unless the person or persons giving up the child for placement agree pursuant to clause 7(2)(a) of the Act that information may be given which identifies parentage, a guardianship agreement shall be Identity kept secret
- (a) executed and copied in separate parts or in such other way that the identity of the parent or parents and of the prospective adoptive parent or parents is not thereby revealed to one another; and
- (b) submitted to the court pursuant to clause 18(1)(d) of the Act in such sealed, masked or other manner that the identity of a birth parent is not thereby revealed to an applicant. (EC526/93)
- 48.** The Director may, upon request, issue to the prospective adoptive parent or parents a Certificate of Guardianship During Placement in Form 10(b) to provide a statement of guardianship responsibilities which have been assigned by a guardianship agreement. (EC614/96) Interim guardianship of newborn child
- 49.** If a guardianship agreement is not made, and the Director is deemed to be the guardian, the person responsible for making the placement shall so notify the Director. (EC526/93) Notice to Director
- 50.** A guardianship agreement becomes void if When agreement becomes void
- (a) a party to the agreement revokes it and consent to the prospective adoption has not yet become final;

(b) the child is removed from the placement;  
 (c) a consent to placement is revoked;  
 (d) a consent to adoption is withdrawn; or  
 (e) a year has elapsed from the time of making the agreement and an adoption order has not been made,  
 and such contingency has not been expressly provided for in the agreement. (EC614/96)

#### OUT-OF-PROVINCE PLACEMENT

Placement outside  
the province

**51.** A person intending to place a child in a place other than Prince Edward Island, whether or not the adoption is expected to be ordered by the Prince Edward Island court, shall apply in Form 11 (Application for Out-of-Province Placement) to the Director for permission to place the child out-of-province, pursuant to section 5 of the Act, and shall provide such further information as the Director may require for assessing the application. (EC526/93)

Criteria for  
assessment of  
placement outside  
province

**52.** The Director shall assess an application for out-of- province placement considering the following criteria:

- (a) the wishes of the birth parent or parents;
- (b) number of children available for placement relative to the availability of suitable prospective adoptive parents in Prince Edward Island;
- (c) disruption to the child's life likely to be caused by cultural differences between Prince Edward Island and the proposed placement destination;
- (d) risk of commercial-interest influence;
- (e) lack of clear and reliable planning;
- (f) indication of misrepresentation or improper motive;
- (g) any other factor which may pose a risk to the best interests of the child. (EC526/93)

Terms for approval

**53.** (1) The Director shall approve an application for out-of-province placement if

- (a) it appears satisfactory in terms of the criteria of section 52; and
- (b) arrangements meet the placement requirements set in the Act and regulations with respect to
  - (i) placement by the Director, an agency, or the holder of a license or permit,
  - (ii) birth parent consent or consents to placement,
  - (iii) placement counselling of birth parent or parents,
  - (iv) assessment of placement risk,

(v) documentation of information concerning the child's identity and background and the circumstances of the placement in accordance with sections 6 and 7 of the Act.

(2) The Director may otherwise refuse to give permission or may impose conditions on permission to place a child out-of-province. Refusal and conditions

(3) The Director shall indicate approval, conditional approval or disapproval on the application, and shall Disposition of application

(a) provide it to the applicant;

(b) retain a copy;

(c) provide a copy to the adoption authority in the jurisdiction of placement. (EC526/93)

**54.** If a person making an out-of-province placement proceeds without the Director's permission, or does not follow any conditions that have been set, the Director may Placement without permission of Director

(a) notify adoption officials in the jurisdiction of placement; and

(b) take such non-compliance with placement requirements into account for purposes of determining the person's entitlement to provide placement and adoption services. (EC526/93)

#### MONITORING

**55.** (1) The Director, an agency or the holder of a license shall arrange that any placement for which responsibility is assumed, where the application for an adoption order is to be made in Prince Edward Island, is monitored by an authorized social worker or other person acceptable to the Director so as to ensure the welfare of the child and support for the prospective adoptive parent or parents. Monitoring of placement

(2) Monitoring may be carried out in another jurisdiction by a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case. Monitoring in other jurisdiction

(3) Monitoring must include a visit to the placement home at least once during the first month and subsequently no less frequently than once every two months until a pre-hearing adoption study is begun. Frequency (EC526/93; 614/96)

**56.** (1) If the person monitoring a placement or conducting a prehearing adoption study has reason to suspect there is apparent risk to the child's welfare, the person shall report this in writing to the person who made the placement, providing a copy to the Director. Suspicion of risk to child's welfare

Adjustments consequent on adverse report (2) The person who made the placement shall  
 (a) reconsider the plan, and either make adjustments and apply conditions so as to control the risk, or else make a new arrangement for placement of the child; and  
 (b) so inform the Director.

Powers of Director (3) The Director, if not satisfied with the measures to mitigate the apparent risk, may direct that other measures be taken or, if not satisfied about the child's security and welfare despite mitigation measures, that the placement be cancelled. (EC526/93; 614/96)

#### APPLICATION TO ADOPT

Statement of compliance with placement requirements **57.** (1) Pursuant to subsection 11(2) of the Act an applicant for an adoption order shall  
 (a) at the time of submitting the application to the court, send notice of it to the Director; and  
 (b) at that time, or as soon as possible thereafter, provide the Director with a copy of any consent to adoption that is submitted to the court pursuant to clause 18(1)(g) of the Act.

Statement of compliance with placement requirements (2) Pursuant to clause 18(1)(i), a person who applies to the court for an adoption order shall submit with the application, or subsequently in support of the application, a statement obtained from the Director to inform the court whether or not all applicable placement requirements set by the Act and regulations appear to have been met. (EC614/96)

#### PRE-HEARING ADOPTION STUDY

Adoption study **58.** (1) The person or persons who apply for an adoption order shall, pursuant to section 19 of the Act, arrange for a pre-hearing adoption study to be conducted by the Director, an agency or an authorized social worker, well in advance of the hearing of the application so that the report is submitted at least ten days before the hearing.

Out-of-province study (2) Notwithstanding subsection (1), an adoption study that takes place in another jurisdiction may be conducted by a person who is acceptable to the Director as being competent in matters of placement and adoption. (EC614/96)

Span of observation **59.** An adoption study shall include a series of at least two observations over a period of at least one month. (EC526/93; 614/96)

Information **60.** The applicant or applicants for an adoption order shall provide, or authorize the provision of, such information as may be required for the study, notwithstanding that the information is confidential. (EC526/93)

**61.** The person who conducts an adoption study shall include in the report of it information and interpretation with respect to a parent whose legal status as parent will be cancelled as a result of the proposed adoption, concerning

Parent relations, etc.  
as relevant factor

- (a) the relations of that parent with the child; and
- (b) the apparent attitude and intentions of an existing parent towards consent and the proposed adoption,

if these factors appear likely to have a significant effect on the giving of a consent, the success of the proposed adoption, or the best interests of the child. (EC614/96)

**62.** An adoption study shall include information and professional assessment which address the factors set out in section 20 and clause 1(d) of the Act, and the study report shall be made in such format and according to such guidelines as may be provided by the Director. (EC526/93)

Content

**63.** The person who conducts an adoption study shall submit the report of it to the court, and a copy of it to the Director. (EC526/93)

Report

**64.** (1) The report of an adoption study is confidential.

Confidentiality

(2) The applicant or applicants for the adoption order may, subject to subsection (3), obtain from the court access to read and copy anything from the report.

Access

(3) The court may in particular cases withhold or limit or impose conditions on access if that seems necessary in order to protect the best interests of the child or prevent significant harm to any of the parties involved in the placement. (EC526/93)

Conditions *re*  
access

#### CONSENT TO ADOPTION

**65.** (1) A consent to adoption shall be in Form 12(a) (Consent to Adoption) and shall be obtained and witnessed by

Consent to adoption

- (a) an authorized social worker;
- (b) a lawyer registered to practise in the jurisdiction where the consent is executed; or
- (c) where the consent is executed in another jurisdiction, a person, acceptable to the Director, who is recognized by the child welfare authority there as a professional placement and adoption practitioner, or by some other person whom the Director specifically authorizes for the particular case.

(2) Notwithstanding subsection (1), a consent to adoption by the Director shall be in Form 12(b). (EC526/93; 614/96)

Consent by Director



Consent to be informed consent	<p><b>66.</b> A person obtaining a consent to adoption shall ensure that the person who is asked to give consent</p> <ul style="list-style-type: none"> <li>(a) has received an explanation of the legal effects of adoption by a person referred to in section 65;</li> <li>(b) has had the opportunity, or is aware of the option, of obtaining the advice of a lawyer;</li> <li>(c) has had the opportunity, or is aware of the option, of obtaining counselling support; and</li> <li>(d) appears to make the decision freely and voluntarily. (EC526/93)</li> </ul>
Time when consent obtained	<p><b>67.</b> (1) Subject to subsection (3) and section 24 of the Act regarding a fourteen-day waiting period after the child's birth, and subject to section 27 of the Act regarding step-parent adoption, a consent to adoption may be obtained at any time, but it shall normally be obtained, if possible, before placement of the child or otherwise as early in the period of placement as feasible.</p>
Consent to placement and adoption	<p>(2) A consent to adoption may, subject to section 24 of the Act, be executed in conjunction with, but not prior to, a consent to placement.</p>
Consent limited to one year	<p>(3) In accordance with section 22 of the Act a consent expires unless the adoption hearing is held within one year from the date of the consent. (EC526/93; 614/96)</p>
Protection of identity of birth parent	<p><b>68.</b> The person who applies for an adoption order shall submit the required consent or consents to adoption to the court in accordance with clause 18(1)(g) of the Act and a copy of each consent to the Director, but where secrecy is to be maintained pursuant to subsection 7(2) of the Act, a consent shall be sealed or masked in such a way that the identity of a birth parent is not revealed to an applicant. (EC526/93; 614/96)</p>
Advertisement for person whose consent is required	<p><b>69.</b> If a person whose consent is required is not readily available, the person seeking the consent shall make reasonable efforts to contact that person, such as advertising in newspapers and inquiring of social service authorities in the localities where that person is believed to be. (EC526/93)</p>
Request to dispense with consent	<p><b>70.</b> If a required consent to adoption appears not to be readily obtainable, whether because of uncertain identity, difficulty in contacting the person, or unwillingness of the person to give consent, the applicant for adoption shall, as soon as possible or at least as part of the application, inform the court in writing of the lack of the consent, and request, with an explanation of the relevant reason, that the court dispense with the need for that consent according to section 26 of the Act. (EC526/93)</p>
Directions by court	<p><b>71.</b> If the court does not dispense with the required consent as a result of the applicant's request, the person responsible for obtaining the consent</p>

shall make whatever efforts to secure the consent the court may direct.  
(EC526/93)

**72.** If a required consent to adoption is not secured despite such efforts as have been directed by the court, sections 30 and 37 of the Act apply.  
(EC526/93)

Action where  
consent  
unobtainable

#### AUTHORIZED SOCIAL WORKER

**73.** A person wishing to be authorized for purposes of

- (a) placement counselling under clause 4(a) of the Act;
- (b) assessment of placement risk under clause 4(b) of the Act;
- (c) monitoring a placement under section 55;
- (d) conduct a pre-hearing adoption study under section 19 of the Act;
- (e) witnessing declarations made under sections 26 or 27 (Forms 6 and 7);
- (f) obtaining or witnessing consents to placement under section 29, and consents to adoption under section 65,

Authorization of  
social worker

shall apply to the Director in Form 13 (Application to become an Authorized Social Worker) and provide such further evidence and information as the Director requires for assessing the application.  
(EC526/93; 614/96)

**74.** (1) The qualifications for authorization are

- (a) current registration in Prince Edward Island, in good standing, as a social worker;
- (b) successful completion of such specialized training in placement and adoption as the Director provides; and
- (c) successful taking of such examination, interview and exercises as the Director may conduct so as to be able to judge the applicant's competence and suitability to perform the specialized professional functions required. (EC526/93)

Qualifications

**75.** If satisfied as to the applicant's competence and suitability, the Director shall issue a certificate of authorization in Form 14 (Certificate of Authorization) and enter the name of the person in the register of authorized social workers. (EC526/93)

Certificate and  
registration

**76.** The Director shall administer to a person who becomes authorized an oath to maintain confidentiality of personal information that is acquired in the course of placement and adoption work. (EC526/93)

Oath of  
confidentiality

**77.** The Director shall keep a register of currently authorized social workers and make it available for reference by anyone needing the

Register

relevant professional services connected with placement and application for adoption. (EC526/93)

Professional  
development

**78.** An authorized social worker shall maintain competency by  
(a) actively practising in the work for which authorization is given;  
and  
(b) successfully taking such continuing professional development as the Director provides. (EC526/93)

Term of  
authorization

**79.** (1) The term of an authorization is three years from the date of effect, unless a shorter term or a condition is imposed.

Renewal

(2) A person seeking to renew an authorization shall apply to the Director at least 30 days prior to its expiry, providing such information as the Director may require, and the Director shall, subject to section 80, renew the authorization. (EC526/93)

Refusal etc. of  
authorization

**80.** The Director has authority to refuse to issue or refuse to renew, to suspend or revoke, or to impose conditions on an authorization if the Director has reasonable and probable grounds to believe that the person  
(a) is not registered in good standing as a social worker;  
(b) is unavailable for practice in the province;  
(c) fails to maintain current competency as required under section 78; or  
(d) is not providing satisfactory services. (EC526/93)

Investigation

**81.** If there is any indication that an applicant or authorized social worker may not qualify or be fit to have an authorization issued or renewed, or that the authorization should be suspended or revoked or that a condition should be imposed on it, the Director may make or cause to be made an investigation to determine the relevant facts and make a conclusion about fitness to be authorized. (EC526/93)

Notice to applicant  
of intended refusal  
etc.

**82.** Where the Director intends to make a negative authorization decision as referred to in section 80, the Director shall inform the person of the intended decision and the reasons for it, and give the person the opportunity to respond within seven days, before confirming the decision. (EC526/93)

Decision

**83.** Following the opportunity for response required by section 82, the Director shall in writing inform the person of the decision, and the reasons for it. (EC526/93)

Temporary  
suspension

**84.** In a situation where there are reasonable and probable grounds to believe that there is significant risk of serious harm resulting from the work or actions of an authorized social worker, the Director may

temporarily suspend the person’s authorization pending investigation and action under sections 80 to 83. (EC526/93; 614/96)

**85.** In exceptional circumstances the Director may grant temporary or conditional authorization to a social worker who does not fully meet the requirements for initial or continuing authorization. (EC526/93) Conditional authorization

**DISCLOSURE**

**86.** Any disclosure of information, or assistance in the tracing or contact of a person being sought, under section 49 or 50 of the Act, whether such information or assistance is to be provided by the Director or an agency or the holder of a license, shall be carried out according to such guidelines as the Director may provide in policy. (EC526/93) Guidelines re disclosure

**87.** A person seeking disclosure of information, or assistance in the tracing or contact of a person, under section 49 or 50 of the Act shall apply to the Director in such form and manner as the Director may require. (EC526/93) Application for disclosure

**88.** If, in a case where secrecy of identity was kept in accordance with section 39 of the Act or was the apparent intention, a person seeks the disclosure of information which is likely to identify or locate the adoptee or birth parent, an agency or person who holds or held a license shall refer the request for information to the Director, and shall act in accordance with such protocols and guidance as the Director may provide with respect to the disclosure of information. (EC526/93) Request for identifying information to be referred to Director

**FEES**

**89.** (1) The fees payable to the Director are as follows: Fees

(a) License (3 years).....	\$250
(b) Pre-hearing adoption study and report (by staff of the Director) .....	\$100
(c) revoked by EC26/02.	

(2) The Director may reduce or waive fees. (EC526/93; 26/02) Idem

**FORMS**

**90.** The following forms are prescribed as set out in the Schedule: Forms prescribed

- Form 1 - Application for a License {s. 3}
- Form 2 - License to Arrange Adoption Placements {s. 6}
- Form 3 - Application for a Permit {s. 16}
- Form 4 - Permit to Make Adoption Placement with a Relative {s. 17}

- Form 5 - Consent to Placement {s. 24}
- Form 6 - Declaration by Presumed Birth Father  
(of intention not to intervene) {s. 26}
- Form 7 - Declaration by Birth Mother  
(that father cannot be established) {s. 27}
- Form 8 - Assessment of Placement Risk {s. 40}
- Form 9 - Notice of Placement {s. 42}
- Form 10(a) - Guardianship Agreement {s. 45}
- Form 10(b) - Certificate of Guardianship During Placement {s.48}
- Form 11 - Application for Out-of-province Placement {s. 51}
- Form 12(a) - Consent to Adoption {s. 65}
- Form 12(b) - Consent to Adoption {s.65(2)}
- Form 13 - Application to become an Authorized Social Worker  
{s. 73}
- Form 14 - Certificate of Authorization {s. 75}  
(EC526/93)

**SCHEDULE**

**FORM 1**

[Section 3 of the Regulations]

**APPLICATION FOR A LICENSE  
TO ARRANGE ADOPTION PLACEMENTS**

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_  
(If different from above) \_\_\_\_\_  
\_\_\_\_\_

TELEPHONE: (O) \_\_\_\_\_ (H) \_\_\_\_\_

LANGUAGE(S): (include written and spoken)  
\_\_\_\_\_  
\_\_\_\_\_

PROFESSIONAL EDUCATION: (include university, degree earned, and year)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROFESSIONAL EMPLOYMENT HISTORY: (Include number of years employed, by whom, practice speciality up to and including present employment)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATEMENT OF INTEREST IN OBTAINING A LICENSE:

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SPECIFIC ADOPTION-RELATED EXPERIENCE AND TRAINING:

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ADDITIONAL REQUIREMENTS: Please submit the following material with this application.

1. A letter from your Provincial Professional Licensing Body confirming that you are licensed to practice the profession or have the equivalent entitlement.
2. A Criminal Record Check.
3. Three (3) letters of reference from persons who can speak to your personal attributes and provide information about your knowledge and experience concerning adoption and your suitability to act as a licensed agent.
4. A cheque of \$\_\_\_\_\_ payable to the Provincial Treasurer of the Province of Prince Edward Island. The cheque will be returned if a license is not granted.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

Please submit application and supporting documentation to the Coordinator of Adoption Services.

Page 2 of 2

(EC526/93; 499/04)

**FORM 2**

[Section 6 of the Regulations]

LICENSE  
TO ARRANGE ADOPTION PLACEMENTS

THIS IS TO CERTIFY THAT

\_\_\_\_\_

has successfully met the qualifications for a License to Arrange Adoption Placements according to the *Adoption Act* and is hereby authorized to arrange adoption placements with all the responsibilities included therein.

\_\_\_\_\_ Date

\_\_\_\_\_ Director of Child Welfare

LICENSE NUMBER \_\_\_\_\_

EXPIRY DATE \_\_\_\_\_

(EC526/93; 499/04)



**FORM 3**

[Section 16 of the Regulations]

**REQUEST FOR A PERMIT  
TO MAKE AN ADOPTION PLACEMENT WITH A RELATIVE**

	BIRTH MOTHER	BIRTH FATHER
NAME:	_____	_____
ADDRESS:	_____	_____
	_____	_____
TELEPHONE:	(h) _____	_____
	(w) _____	_____
	LEGAL GUARDIAN	
NAME:	_____	
ADDRESS:	_____	
	_____	
TELEPHONE:	(h) _____	
	(w) _____	

HAS THE BIRTH FATHER BEEN NOTIFIED OF THIS APPLICATION?

Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, please state reasons: \_\_\_\_\_

CHILD FOR WHOM ADOPTION ARRANGEMENTS ARE BEING MADE

CHILD'S NAME: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ OR DUE DATE: \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_

PROSPECTIVE ADOPTIVE PARENT(S)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (h) \_\_\_\_\_ (w) \_\_\_\_\_

RELATIONSHIP TO BIRTH PARENT: \_\_\_\_\_

REASONS WHY YOU HAVE SELECTED THIS / THESE ADOPTIVE PARENT(S):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE YOU ASKED FOR OR BEEN OFFERED ANY BENEFITS OR REWARDS FROM THE ADOPTIVE PARENT(S) IN EXCHANGE FOR THE PLACEMENT OF YOUR CHILD?

YES \_\_\_\_\_ NO \_\_\_\_\_

OTHER COMMENTS YOU MAY WISH TO MAKE:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I HAVE RECEIVED INFORMATION ABOUT THE OPTIONS AND REQUIREMENTS FOR PLACEMENT UNDER THE ADOPTION ACT AND REGULATIONS AND AGREE TO COMPLY WITH THEM.

I VERIFY THAT THE INFORMATION I HAVE GIVEN IS ACCURATE AND TRUE TO THE BEST OF MY KNOWLEDGE

\_\_\_\_\_  
SIGNATURE OF BIRTH MOTHER

\_\_\_\_\_  
SIGNATURE OF BIRTH FATHER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF LEGAL GUARDIAN

\_\_\_\_\_  
DATE

**FORM 4**

[Section 17 of the Regulations]

**PERMIT TO MAKE AN ADOPTION PLACEMENT  
WITH A RELATIVE**

Permission is hereby given to \_\_\_\_\_  
 (Name of Birth Parent(s) or Legal Guardian)

of \_\_\_\_\_ to make an  
 (Address of Birth Parent(s))

adoption placement for \_\_\_\_\_  
 (Child's full name)

\_\_\_\_\_ (Birth date) \_\_\_\_\_ (Birth place)

with \_\_\_\_\_  
 (Name(s) Adoptive Parent(s))

of \_\_\_\_\_  
 (Address of Adoptive Parent(s))

subject to the requirements and conditions of the *Adoption Act* and Regulations being met.

\_\_\_\_\_  
 Provincial Adoption Coordinator for the  
 Director of Child Welfare

\_\_\_\_\_  
 Date

PERMIT # \_\_\_\_\_

(EC526/93)

**FORM 5**

[Section 24 of the Regulations]

**CONSENT TO PLACEMENT**

FULL NAME OF CHILD: \_\_\_\_\_ SEX: \_\_\_\_\_

DATE OF BIRTH: \_\_\_\_\_ PLACE OF BIRTH: \_\_\_\_\_

BIRTH REGISTRATION NUMBER: \_\_\_\_\_

I, \_\_\_\_\_ OF \_\_\_\_\_  
(Full Name) (Address)

CONSENT TO THE PLACEMENT OF THE ABOVE-NAMED CHILD FOR THE  
PURPOSES OF ADOPTION

I am the parent of this child within the meaning of the *Adoption Act* by virtue of being:

\_\_\_\_\_ THE MOTHER OF THE CHILD

\_\_\_\_\_ THE FATHER OF THE CHILD

\_\_\_\_\_ married to the mother of the child

\_\_\_\_\_ registered as the father of the child on the birth certificate as per the  
Vital Statistics Act

\_\_\_\_\_ have had legal paternity of the child established by the Court under  
the Child Status Act

Initials

1. I UNDERSTAND THE PLACEMENT OF THIS CHILD WILL  
BE ARRANGED BY \_\_\_\_\_  
(Name of licensed agent, permit holder,  
Director of Child Welfare)

2. (a) IT IS MY UNDERSTANDING THAT THE NAME(S) OF  
THE PROSPECTIVE ADOPTIVE PARENT(S) IS / ARE:  
\_\_\_\_\_  
(Name or state "unknown to me")

(b) WHERE PROSPECTIVE ADOPTIVE PARENTS HAVE  
BEEN CHOSEN BY ME: I \_\_\_\_\_ DO \_\_\_\_\_ DO NOT  
REQUIRE THAT A NEW CONSENT BE OBTAINED IF  
THERE IS A CHANGE OF PLACEMENT.

Initials

- 3. MY CONSENT TO THE PLACEMENT OF THIS CHILD FOR ADOPTION IS GIVEN FREELY AND VOLUNTARILY AND I HAVE NOT BEEN PRESSURED OR OFFERED ANY PAYMENT OR REWARD TO MAKE THIS PLAN. \_\_\_\_\_
- 4. I HAVE RECEIVED PROFESSIONAL COUNSELLING REGARDING OTHER OPTIONS FOR MY CHILD AND UNDERSTAND THE IMPLICATIONS OF SIGNING THIS CONSENT. \_\_\_\_\_
- 5. I HAVE BEEN OFFERED PSYCHOLOGICAL SUPPORT. \_\_\_\_\_
- 6. I AM AWARE THAT I MAY, IF I WISH, SEEK INDEPENDENT LEGAL ADVICE WITH RESPECT TO THIS CONSENT. \_\_\_\_\_
- 7. I UNDERSTAND THAT, AT ANY TIME UP TO 14 DAYS AFTER I SIGN MY CONSENT TO ADOPTION, I MAY REVOKE THIS CONSENT TO PLACEMENT BY GIVING WRITTEN NOTICE TO THE DIRECTOR OF CHILD WELFARE, TO THE PERSON TO WHOM I AM GIVING THIS CONSENT, AND THROUGH THAT PERSON TO THE PERSON RESPONSIBLE FOR ARRANGING THE PLACEMENT . \_\_\_\_\_

I, \_\_\_\_\_ verify that I have provided  
 (Name of Authorized Social Worker)  
 counselling in accordance with the *Adoption Act* subclause 4(a)(i). I have ascertained that the placement is being voluntarily sought, described options to and the implications of placement and offered psychological support.

I was present and witnessed the consent by \_\_\_\_\_  
 (Name of person consenting)

at \_\_\_\_\_  
 (placename)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Signature of authorized social worker

**Original** to be forwarded by the person arranging the placement to the Director of Child Welfare.

**Copies** to the person giving consent and to the person arranging the placement.

(EC526/93; 614/96; 499/04)

**FORM 6**

[Section 26 of the Regulations]

**DECLARATION BY PRESUMED BIRTH FATHER**

I, \_\_\_\_\_, OF \_\_\_\_\_  
(Name) (Address)

\_\_\_\_\_, BELIEVE I \_\_\_\_\_  
(am/may be/am not)

THE FATHER OF \_\_\_\_\_ BORN \_\_\_\_\_  
(Name of child) (Date of birth)

AT \_\_\_\_\_ TO \_\_\_\_\_  
(Place of birth) (Name of Mother)

I HAVE BEEN INFORMED THAT A PLAN OF ADOPTION IS BEING CONSIDERED FOR THIS CHILD.

I HAVE BEEN INFORMED THAT I CAN BECOME ENTITLED TO GIVE CONSENT TO THE PLACEMENT AND ADOPTION OF THIS CHILD BY REGISTERING AS THE FATHER IN ACCORDANCE WITH THE VITAL STATISTICS ACT OR CORRESPONDING LEGISLATION OF ANOTHER JURISDICTION, OR BY LEGALLY ESTABLISHING PATERNITY UNDER THE CHILD STATUS ACT OR CORRESPONDING LEGISLATION OF ANOTHER JURISDICTION.

I DECLARE THAT I HAVE NO WISH TO ESTABLISH ENTITLEMENT AS THE FATHER OF THIS CHILD AND THEREBY DECLARE MY INTENTION NOT TO INTERVENE IN THE PLAN OF ADOPTION FOR THIS CHILD.

I RECOGNIZE THAT ANY LEGAL PARENTAL RIGHTS THAT I HAVE MAY BE WAIVED BY THE COURTS BY THIS DECLARATION.

I AM AWARE THAT I COULD, IF I WISH, SEEK INDEPENDENT LEGAL ADVICE REGARDING THIS DECLARATION.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness (Person  
arranging the placement/Lawyer/ or  
Authorized Social Worker)

**Original** to be forwarded by the person arranging the placement to the Director of Child Welfare.

**Copies** to the person giving consent and the person arranging the placement.

(EC526/93)

**FORM 7**

[Section 27 of the Regulations]

**DECLARATION BY BIRTH MOTHER**

I, \_\_\_\_\_ OF \_\_\_\_\_  
(Name of Birth Mother) (Address)

\_\_\_\_\_, BIRTH MOTHER OF \_\_\_\_\_  
(Name of child)

BORN \_\_\_\_\_ AT \_\_\_\_\_  
(Date of birth) (Place of birth)

DECLARE THAT, TO THE BEST OF MY KNOWLEDGE,

\_\_\_\_\_ IT IS NOT POSSIBLE TO IDENTIFY THE CHILD'S BIRTH FATHER. FURTHER, I DO NOT KNOW OF ANY WAY OF OBTAINING INFORMATION WHICH WOULD REALISTICALLY MAKE POSSIBLE THE ESTABLISHMENT OF IDENTITY.

\_\_\_\_\_ IT IS NOT POSSIBLE TO MAKE CONTACT WITH THE CHILD'S BIRTH FATHER. FURTHER, I DO NOT KNOW OF ANY WAY OF OBTAINING INFORMATION WHICH WOULD REALISTICALLY MAKE POSSIBLE THE ESTABLISHMENT OF CONTACT.

I HAVE BEEN INFORMED THAT IF I KNOWINGLY WITHHOLD HIS IDENTITY, IT IS POSSIBLE THE FATHER OF THIS CHILD MAY COME FORWARD AND DISRUPT THE PLAN OF ADOPTION I AM MAKING FOR THIS CHILD.

I AM AWARE THAT I COULD, IF I WISH, SEEK INDEPENDENT LEGAL ADVICE CONCERNING THIS DECLARATION.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Birth Mother

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Witness (Person  
arranging the placement/Lawyer/  
Authorized Social Worker)

**Original** to be forwarded by the person arranging the placement to the Director of Child Welfare.

**Copies** to the person making the declaration and the person arranging the placement.

(EC526/93)

**SCHEDULE**

**FORM 8**

[Section 40 of the Regulations]

**ASSESSMENT OF PLACEMENT RISK**

I have conducted an assessment of placement risk on

\_\_\_\_\_ (Applicants)

of \_\_\_\_\_ (Address)

and report as follows:

\_\_\_\_\_ consistent availability of resources to provide for the child's basic living needs including adequate food, clothing and shelter

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ consistent availability or planning of appropriate child care

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ no serious physical or psychiatric health problems or disabilities of a life-threatening nature or which might otherwise significantly impede the applicant's ability to parent a child

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ no active addiction to alcohol or any drug on the part of any member of the household. Where there is a history of any such addiction, the person must have maintained freedom from abuse or dependency with clear indications that the addiction or risk of abuse is satisfactorily under control

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ no evidence of domestic violence or abuse of any kind; no substantiated report of domestic violence or abuse within the previous three years

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



\_\_\_\_\_ no conviction of any member of the household for a criminal offence that indicates a likely inability to provide properly for the best interests of the child  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ no member of the household is a parent or primary caretaker of a child who was found to be in need of protection under the child welfare laws of any jurisdiction  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ no evidence that the motives of the prospective parents are likely to cause results contrary to the best interests of the child  
 Comments: \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ I have determined that there are risks in the proposed placement. A description of the placement risk and the evidence on which I base this determination are as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Authorized Social Worker

**Original** to the person arranging the placement  
**Copy** to the Director of Child Welfare

**FORM 9**

[Section 42 of the Regulations]

**NOTICE OF PLACEMENT**

In compliance with Section 6 of the *Adoption Act*,

I, \_\_\_\_\_ give  
(Name)

notice to the Director of Child Welfare of my intention to place for adoption:

\_\_\_\_\_  
(Name of Child)                      (Birthdate)                      (Birth Place)

child of: \_\_\_\_\_  
(Name(s) of Birth Parent(s))

with \_\_\_\_\_  
(Name(s) of prospective adoptive parent(s))

The intended date of placement is \_\_\_\_\_  
or if the child has already been moved was \_\_\_\_\_

The authority to make this adoption placement derives from my being: (check one)

- \_\_\_\_\_ a permit holder
- \_\_\_\_\_ a licensed agent
- \_\_\_\_\_ an agent of the Director of Child Welfare

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of person authorized  
to arrange a placement

(EC526/93; 499/04)



**FORM 10(a)**

[Section 45 of the Regulations]

**GUARDIANSHIP AGREEMENT - PART 2**

Regarding the child \_\_\_\_\_, a \_\_\_\_\_  
(name of child) (boy/girl)  
born on \_\_\_\_\_ at \_\_\_\_\_  
(date of birth) (place of birth)  
who is placed for adoption with effect from \_\_\_\_\_  
date of placement)  
I/We \_\_\_\_\_,  
(name/s of prospective adoptive parent/s)

AGREE that, during the time of placement until the issuing of an adoption order,  
guardianship responsibilities for the child are to be as described below:

- Full guardianship remains with the person(s) giving the child up for placement and signing Part 1  
[ \_\_\_\_\_ (may name if known)]
- Full guardianship is assigned to me/us, the prospective adoptive parent(s)
- Guardianship responsibilities are to be exercised variously, as assigned here:

- Routine health care \_\_\_\_\_
- Serious health care \_\_\_\_\_
- Residence \_\_\_\_\_
- Social contact \_\_\_\_\_
- Education \_\_\_\_\_
- Legal proceedings \_\_\_\_\_

Additional notes/conditions:

This agreement becomes void [unless a special provision is made in it for such contingency]  
if:

- (a) either party revokes it (before consent to adoption is final);
- (b) the child is removed from the placement;
- (c) consent to placement is revoked;
- (d) consent to adoption is withdrawn; or
- (e) it was made more than a year ago and the adoption has not been finalized.

Date \_\_\_\_\_ Signature(s) of prospective adoptive parent(s): \_\_\_\_\_

Witness \_\_\_\_\_  
(lawyer, authorized social worker, agency, licensee) \_\_\_\_\_

Original of Parts 1 & 2 to be forwarded by the person arranging the placement to the Director of Child  
Welfare

Copy of Parts 1 & 2 to be retained by the person responsible for arranging the placement

Copy of Parts 1 & 2 [sealed/masked if necessary for secrecy] to be submitted to the court with  
application to adopt

Copy of Part 1 for the person(s) signing Part 1 ... Copy of Part 2 for the person(s) signing Part 2

(EC614/96)

**FORM 10(b)**

[Section 48 of the Regulations]

## CERTIFICATE OF GUARDIANSHIP DURING PLACEMENT

The child \_\_\_\_\_, a \_\_\_\_\_  
 (currently used given name of child) (boy/girl)  
 born on \_\_\_\_\_ at \_\_\_\_\_  
 (date of birth) (place of birth)  
 who is placed for adoption with effect from \_\_\_\_\_  
 (date of placement)

A legal agreement regarding guardianship responsibility during the period of placement has been made under section 9 of the *Adoption Act*. It assigns responsibilities, as described below, to

\_\_\_\_\_  
 (name/s of prospective adoptive parent/s)  
 of \_\_\_\_\_  
 (address)

Partial, as indicated below by check and notes .... or ... Full guardianship duties

Guardianship responsibilities are to be exercised variously, as assigned here:

- Routine health care \_\_\_\_\_
- Serious health care \_\_\_\_\_
- Residence \_\_\_\_\_
- Social contact \_\_\_\_\_
- Education \_\_\_\_\_
- Legal proceedings \_\_\_\_\_

Additional notes/conditions:

\_\_\_\_\_  
 Director of Child Welfare

A guardianship agreement becomes void if:

- (a) either party revokes it (before consent to adoption is final);
- (b) the child is removed from the placement;
- (c) consent to placement is revoked;
- (d) consent to adoption is withdrawn; or
- (e) it was made more than a year ago and the adoption has not been finalized.

Original to prospective adoptive parent(s); copy retained by Director

(EC614/96)

**FORM 11**

[Section 51 of the Regulations]

**APPLICATION FOR OUT-OF-PROVINCE PLACEMENT**

NAME OF CHILD \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_ PLACE OF BIRTH \_\_\_\_\_

	BIRTH MOTHER	BIRTH FATHER
NAME:	_____	_____
ADDRESS:	_____	_____
PHONE:	_____	_____

**PROSPECTIVE ADOPTIVE PARENT(S)**

NAME(S): \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_

How / why prospective adoptive parent(s) chosen?  
 (include explanation of out-of-province placement versus PEI placement)

\_\_\_\_\_

\_\_\_\_\_

**CONTACT PERSON IN JURISDICTION OF PLACEMENT WHO IS HELPING TO ARRANGE PLACEMENT ( Lawyer, Children’s Aid, Provincial Adoption Official, etc.)**

NAME: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 TELEPHONE: \_\_\_\_\_ POSITION: \_\_\_\_\_

APPLICANT/PERSON ARRANGING PLACEMENT	AUTHORITY
NAME: _____	___ PERMIT
ADDRESS: _____	___ LICENSE
TELEPHONE: _____	

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**DECISION OF THE DIRECTOR OF CHILD WELFARE**

\_\_\_ APPROVED            CONDITIONS: \_\_\_\_\_

\_\_\_ NOT APPROVED            \_\_\_\_\_

FOR THE DIRECTOR OF CHILD WELFARE: \_\_\_\_\_

## FORM 11 - REVERSE (FOR DIRECTOR'S USE)

## GUIDE TO APPROVAL OF OUT-OF-PROVINCE PLACEMENT

## CRITERIA

## SECTION 52

- A) Wishes of the birth parent(s)
- B) Number of children available for placement relative to the availability of suitable prospective adoptive parents in Prince Edward Island.
- C) Disruption of the child's life likely to be caused by cultural differences between Prince Edward Island and the proposed placement destination.
- D) Risk of commercial-interest influence
- E) Lack of clear and reliable planning
- F) Indication of misrepresentation or improper motive
- G) Other factor which may pose a risk to the best interests of the child

## COMPLIANCE WITH PLACEMENT REGULATIONS

## SECTION 53

- i) Placement by authorized agent
- ii) Birth parent(s) consent(s) to placement
- iii) Placement counselling of parent(s)
- iv) Assessment of placement risk
- v) Background and placement information

Original to the applicant

Copy to Adoption Authority in jurisdiction of placement

Copy for Director of Child Welfare

(EC526/93; 499/04)

**FORM 12(a)**

[Section 65 of the Regulations]

CONSENT TO ADOPTION

\*FOR NON STEP-PARENT ADOPTION, A CONSENT TO PLACEMENT MUST BE SIGNED PRIOR TO THIS CONSENT.

\*THE CHILD MUST BE A MINIMUM OF 14 DAYS OLD PRIOR TO THE CONSENT TO ADOPTION BEING SIGNED.

FULL NAME OF CHILD: \_\_\_\_\_ SEX: \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_ PLACE OF BIRTH \_\_\_\_\_  
BIRTH REGISTRATION NUMBER: \_\_\_\_\_  
I, \_\_\_\_\_ OF \_\_\_\_\_  
(Full Name) (Address)

CONSENT TO THE ADOPTION OF THE ABOVE-NAMED CHILD BY

\_\_\_\_\_  
(name/s of prospective adoptive parent/s if known)

I consent as:

- \_\_\_\_\_ THE MOTHER OF THE CHILD
- \_\_\_\_\_ THE FATHER OF THE CHILD
  - \_\_\_\_\_ married to the mother of the child
  - \_\_\_\_\_ registered as the father of the child under the Vital Statistics Act
  - \_\_\_\_\_ has had legal paternity of the child established by the Court under the Child Status Act
- \_\_\_\_\_ THE LEGAL GUARDIAN OF THE CHILD
- \_\_\_\_\_ THE CHILD TO BE ADOPTED

Initials

1. MY CONSENT TO THE ADOPTION OF THIS CHILD IS GIVEN FREELY AND VOLUNTARILY AND I HAVE NOT BEEN PRESSURED OR OFFERED ANY PAYMENT OR REWARD TO SIGN THIS CONSENT. \_\_\_\_\_
2. THE EFFECTS OF THIS CONSENT AND OF THE PROPOSED ADOPTION HAVE BEEN EXPLAINED TO ME AND I UNDERSTAND THEM. \_\_\_\_\_



- 3. I AM AWARE THAT I MAY, IF I WISH, SEEK
  - A) INDEPENDENT LEGAL ADVICE WITH RESPECT TO THIS CONSENT. \_\_\_\_\_
  - B) COUNSELLING SUPPORT \_\_\_\_\_
- 4. I UNDERSTAND THAT I MAY WITHDRAW THIS CONSENT WITHIN 14 DAYS OF HAVING GIVEN IT BUT NOT THEREAFTER BY PROVIDING A WRITTEN STATEMENT TO THE PERSON TO WHOM THIS CONSENT IS GIVEN: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

(Name and address of person witnessing consent)

AND THE DIRECTOR OF CHILD WELFARE \_\_\_\_\_

5. I \_\_\_\_\_ AUTHORIZE / \_\_\_\_\_ DO NOT AUTHORIZE THE PLACEMENT OF MY NAME ON THE ADOPTION ORDER IDENTIFYING ME AS A BIRTH PARENT OF THIS CHILD.

\_\_\_\_\_  
 Date Signature of person consenting

I AM SATISFIED THAT \_\_\_\_\_  
 (Name of person consenting)

has had an explanation of the effects of this consent and of the proposed adoption, and that the consent is freely and voluntarily given.

I WAS PRESENT AND WITNESSED THE CONSENT BY

\_\_\_\_\_  
 (Name of person consenting)

AT \_\_\_\_\_  
 (Town/city)

\_\_\_\_\_  
 Date Signature of person witnessing consent  
 (Lawyer or Authorized Social Worker)

**Original** to the person arranging the adoption  
**Copy** to the person consenting and to the Director of Child Welfare

**FORM 12(b)**

[Subsection 65(2) of the Regulations]

CONSENT TO ADOPTION BY DIRECTOR OF CHILD WELFARE

FULL NAME OF CHILD \_\_\_\_\_ SEX \_\_\_\_\_  
DATE OF BIRTH \_\_\_\_\_ PLACE OF BIRTH \_\_\_\_\_  
BIRTH REGISTRATION NUMBER \_\_\_\_\_

for adoption by

\_\_\_\_\_  
(name/s of prospective adoptive parent/s if known)

[ ] I am the legal guardian of the child pursuant to an agreement made under the *Adoption Act*, or an agreement or order made under the *Child Protection Act*.

[ ] There is no other person entitled to give or withhold consent. [*Adoption Act* subclause 22(e)(i), or *Child Protection Act* subsection 20(1) or clause 38(2)(d)]

[ ] The applicant for adoption resides out-of-province. [*Adoption Act* subclause 22(e)(ii)]

Date \_\_\_\_\_  
\_\_\_\_\_  
Director of Child Welfare

Witness \_\_\_\_\_

Original to be submitted with applicant to adopt; copy to be retained by Director

(EC614/96; 499/04)

**FORM 13**

[Section 73 of the Regulations]

**APPLICATION TO BECOME  
AN AUTHORIZED SOCIAL WORKER**

NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_  
(If different from above) \_\_\_\_\_

TELEPHONE: (O) \_\_\_\_\_ (H) \_\_\_\_\_

STATEMENT OF INTEREST IN PROVIDING PLACEMENT AND ADOPTION-RELATED SERVICES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROFESSIONAL SOCIAL WORK-RELATED EDUCATION: (include university, degree earned, year, continuing professional development)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

PROFESSIONAL EMPLOYMENT HISTORY RELATED TO CHILD WELFARE WORK:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ARE YOU CURRENTLY REGISTERED WITH THE PEI SOCIAL WORK REGISTRATION BOARD? YES \_\_\_\_ NO \_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Child Welfare

(EC526/93)

**FORM 14**

[Section 75 of the Regulations]

PROVINCE OF PRINCE EDWARD ISLAND

CERTIFICATE OF AUTHORIZATION

THIS IS TO CERTIFY THAT

\_\_\_\_\_

is an Authorized Social Worker for the purposes of providing placement and adoption-related services in accordance with the *Adoption Act* and Regulations.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Child Welfare

EXPIRY DATE \_\_\_\_\_

(EC526/93)

**FORM 15**

[Section 21 of the Regulations]

AGREEMENT FOR TEMPORARY CUSTODY OR TEMPORARY CUSTODY AND  
GUARDIANSHIP

Full Name of Child: \_\_\_\_\_ Sex: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Birth Registration Number: \_\_\_\_\_

I, \_\_\_\_\_, of  
(name of person consenting)\_\_\_\_\_  
(city/town, province)

agree to transfer the temporary

\_\_\_\_\_ custody

\_\_\_\_\_ custody and guardianship

of the child to the Director of Child Welfare for the Province of Prince Edward Island

Initials

\_\_\_\_\_ I understand that custody refers to the physical possession of this child and the provision of daily requirements, while guardianship refers to the authority and responsibility for making decisions concerning this child, including such matters as education, non-routine health care and legal proceedings.

\_\_\_\_\_ I am the parent of this child within the meaning of the *Adoption Act* because I am:

\_\_\_\_\_ the mother of the child

\_\_\_\_\_ the father of the child

\_\_\_\_\_ married to the mother of the child

\_\_\_\_\_ registered as the father of the child under the *Vital Statistics Act*\_\_\_\_\_ the father of the child as established under the *Child Status Act*

\_\_\_\_\_ other (explain) \_\_\_\_\_

\_\_\_\_\_ My consent to the transfer of custody or custody and guardianship is given freely and voluntarily.

\_\_\_\_\_ I am or will be receiving professional counselling and psychological support regarding options for my child and I understand the implications of signing this agreement.

\_\_\_\_\_ I am aware that I may seek independent legal advice with respect to this agreement.

\_\_\_\_\_ I understand that I may revoke this agreement at any time by giving three working days notice of revocation to the Director of Child Welfare.

Page 1 of 2

\_\_\_\_\_ I understand that the following conditions apply to this agreement:

1. In the event that I cannot be contacted, I authorize the Director of Child Welfare to make such decisions as the Director may consider necessary respecting non-routine health care or medical treatment.

2. \_\_\_\_\_

3. \_\_\_\_\_

\_\_\_\_\_ I understand that this temporary agreement is in effect from \_\_\_\_\_ (date)

to \_\_\_\_\_ unless terminated, and during the term of this agreement I agree to

4. notify the Director of a change in my address or telephone number

5. \_\_\_\_\_

6. \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Social Worker

\_\_\_\_\_  
Signature of Parent

.....

I, \_\_\_\_\_, hereby revoke this agreement.  
(Name of Parent)

Date \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of Parent

**FORM 16**

[Section 21 of the Regulations]

AGREEMENT FOR PERMANENT CUSTODY AND GUARDIANSHIP  
FOR PURPOSES OF ADOPTION

Full Name of Child: \_\_\_\_\_ Sex: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_

Birth Registration Number: \_\_\_\_\_

I, \_\_\_\_\_, of  
(name)\_\_\_\_\_  
(city/town, province)

agree to transfer all rights of custody and guardianship of the child to the Director of Child Welfare for the Province of Prince Edward Island for the purposes of the adoption of the child.

Initials\_\_\_\_\_ I am the parent of this child within the meaning of the *Adoption Act* by virtue of being:

\_\_\_\_\_ the mother of the child

\_\_\_\_\_ the father of the child

\_\_\_\_\_ married to the mother of the child

\_\_\_\_\_ registered as the father of the child under the *Vital Statistics Act*\_\_\_\_\_ the father of the child as established under the *Child Status Act*

\_\_\_\_\_ other: (explain) \_\_\_\_\_

\_\_\_\_\_ I understand that all of my rights and obligations with respect to the child are hereby terminated and that the Director of Child Welfare for the Province of Prince Edward Island has full authority to make a plan of care or adoption for the child.

\_\_\_\_\_ I have been advised of the options available with respect to the child.

\_\_\_\_\_ I understand the implications of my entering into this agreement and my rights and obligations under it.

\_\_\_\_\_ I have received independent legal advice with respect to this agreement.  
(certificate or affidavit attached)

\_\_\_\_\_ I have received professional counselling and psychological support with respect to this agreement.

\_\_\_\_\_ I understand that I may revoke this agreement within 14 days of having given it by providing notice in writing to the Director of Child Welfare.

\_\_\_\_\_ On the adoption order, I  
\_\_\_\_\_ authorize  
\_\_\_\_\_ do not authorize  
the inclusion of my name identifying me as a birth parent of this child.

\_\_\_\_\_ This agreement supersedes any prior existing agreements respecting the custody  
or guardianship of the child.

\_\_\_\_\_ In signing this agreement, I acknowledge that:  
1. I do so freely and voluntarily;  
2. I have not been pressured or coerced in any way; and  
3. I have been offered no payment or reward for signing.

\_\_\_\_\_ Date \_\_\_\_\_ Parent \_\_\_\_\_

\_\_\_\_\_  
Signature of Authorized Social Worker

Statement of authorized social worker  
I am an authorized social worker pursuant to the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1.  
I have provided or will provide counselling to the parent, have ascertained that the  
placement is being voluntarily sought, have described options to, and the implications of,  
placement and have offered psychological support.

Date: \_\_\_\_\_  
Signature of Authorized Social Worker