

## ADOPTION

This paper is without prejudice and is solely intended to stimulate discussion.

### JURISDICTION

The Dehcho Regional Government might have jurisdiction with respect to the private and state adoption of Children of persons residing in the <name of region>.

The Dehcho Regional Government might have jurisdiction with respect to the custom adoption by a Dehcho Citizen of a Child of a Dehcho Citizen residing in the NWT. (If only one of the couple intending to adopt the child is a Dehcho Citizen, could the non-citizen spouse be allowed to adopt the child as well?)

Either of these jurisdictions would apply only if the person or persons who have lawful custody of the Child to be adopted consent to the application of Dehcho Regional Government Law;

### PRIVATE AND STATE ADOPTIONS

The Dehcho Regional Government Law shall provide for standards compatible with the following core principles and objectives:

#### Principles:

- Decisions concerning the adoption of children shall be made in accordance with the best interests of the child.
- Adopted children should live within a safe and stable family environment.
- The person or persons with lawful custody of the child shall consent to the adoption.

#### Objectives:

- Establish a process for decisions being made regarding the adoption of children that considers the following:
  - The capabilities of potential adoptive parents to meet the child's developmental needs;
  - The child's cultural, linguistic and spiritual or religious upbringing.
  - The views and preferences of the child, if it is reasonable to do so.
  - The views and preferences of a parent wishing to place a child for adoption.
  - Any family ties that exist between the child and an adoptive parent.
- Establish an appeal process for those persons whose applications to adopt a child have been denied.

- Establish a confidential system to collect and retain information about an adopted child and his or her birth parents, including social and medical history.
- Establish guidelines for accessing the confidential information of adopted children and their birth parents.

### **CUSTOM ADOPTIONS:**

The table should discuss whether there is an obligation for the Dehcho Regional Government to have standards compatible with core principles and objectives.

The Dehcho Regional Government Law:

- shall be in accordance with the principle of acting in the best interest of the child;
- shall require that the person or persons who have lawful custody of the Child consent to the adoption;

### **Questions for discussion:**

What role should the person with lawful custody have in the selection of the adoptive parents?

If the birth parents do not have lawful custody, what role should they have in the selection of the adoptive parents?

### **INFORMATION SHARING FOR PRIVATE/STATE AND CUSTOM ADOPTIONS:**

The Dehcho Regional Government shall provide copies of records of all adoptions occurring under Dehcho Regional Government Law to the GNWT and Canada.

When the Dehcho Regional Government exercises Jurisdiction over adoption, the Dehcho Regional Government Law and the GNWT shall enter into negotiations towards reaching information-sharing agreements that shall include:

- a) how and to whom the Dehcho Regional Government shall provide copies of records of all adoptions occurring under DFN Regional Government Law to the GNWT;
- b) the criteria the GNWT shall use when deciding whether notice is to be given to the Dehcho Regional Government because a Child in the custody of the Director may be a DFN Citizen; and

- c) how and to whom the Director shall:
  - i) notify the Dehcho Regional Government that the Director has lawful custody of a Child who is a DFN Citizen,
  - ii) provide the Dehcho Regional Government any plan for that Child's care that could result in an application to adopt that Child, and
  - iii) provide the Dehcho Regional Government copies of the Director's records with respect to that Child.

### **COURT PROCEEDINGS**

A person adopting a Child under Dehcho Regional Government Law may make application to the Supreme Court of the NWT to certify the adoption and upon proper application the Court may certify the adoption.

### **CONFLICT**

In the event of a conflict between a DFN Regional Government Law made pursuant to this chapter and a Federal Law or NWT Law, the DFN Regional Government Law prevails to the extent of the conflict.

Nothing in this agreement affects the inherent jurisdiction of the Supreme Court of the NWT, including its jurisdiction with respect to children or legally incompetent persons.

The agreement is not intended to alter the Jurisdictions or Authorities of the GNWT under the *Northwest Territories Act*.