

CHAPTER A: ADOPTION¹

A.1 JURISDICTION²

A.1.1 The Dehcho Government has Jurisdiction with respect to the adoption of Children of:

- a) Dehcho Citizens in the NWT; and
- b) persons residing in the Settlement Area.

A.1.2 The Dehcho Government Law made under section A.1.1:

- a) shall be in accordance with the principle of acting in the best interest of the child;
- b) shall require that the person or persons having lawful custody of the Child consent to the adoption of the Child;
- c) shall require that the person or persons having lawful custody of the Child consent to the application of Dehcho Government Law to the adoption of the Child;
- d) shall give the person or persons who have lawful custody of the Child to be adopted the opportunity, if practicable, to express a preference for the adoptive parents; and
- e) may, if the birth parent or parents do not have lawful custody of the Child to be adopted, give the birth parent or parents the opportunity, if practicable, to express a preference for the adoptive parents.

A.2 STANDARDS

A.2.1 Dehcho Government Laws made pursuant to section A.1.1 shall provide for standards compatible with NWT Adoption core principles and objectives.

A.3 INFORMATION SHARING

A.3.1 The Dehcho Government shall provide copies of records to all adoptions occurring under Dehcho Government Law to the GNWT and Canada.

¹ Chapter is based on the premise we are dealing with a public government.

² 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.

A.3.2 When the Dehcho Government exercises Jurisdiction pursuant to A.1.1, the Dehcho Government and the GNWT shall enter into negotiations towards reaching information-sharing agreements that shall include:

- a) how and to whom the Dehcho Government shall provide copies of records of all adoptions occurring under Dehcho Government Law to the GNWT;
- b) the criteria the GNWT shall use when deciding whether notice is to be given to the Dehcho Government because a Child in the custody of the Director may be a Dehcho Citizen; and
- c) how and to whom the Director shall:
 - i) notify the Dehcho Government that the Director has lawful custody of a Child who is a Dehcho Citizen;
 - ii) provide the Dehcho Government any plan for that Child's care that could result in an application to adopt that Child; and
 - iii) provide the Dehcho Government copies of the Director's records with respect to that Child.³

A.4 COURT PROCEEDINGS

A.4.1 A person adopting a Child under Dehcho 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.

A.5 CONFLICT

A.5.1 In the event of a conflict between a Dehcho Government Law made pursuant to this chapter and a Federal Law or NWT Law, the Dehcho Government Law prevails to the extent of the conflict.

Propose the following clause be added to General Provisions under Jurisdiction of Courts:

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GP.X.X For greater certainty, the inherent jurisdiction of the Supreme Court of the Northwest Territories with respect to children and mentally incompetent persons continues in accordance with common law principles.

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³ DFN request that Aboriginal rights of adopted children are maintained.

NWT CORE PRINCIPLES AND OBJECTIVES FINAL TEXT

Adoption

What is Adoption?

Adoption refers to the legal process that results in a child being raised by a family, other than the child's birth parents and becoming a permanent member of that family.

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.