

THE RIGHTS OF YOUTH: ADOPTION

April 2009

BECOMING A PARENT

Do both parents have responsibilities?

If the parents of a child born outside of marriage have lived together with the child, then both parents have equal rights and responsibilities as parents.

What if there is a question about who is the father of the baby?

You may apply to the court for a legal determination of whether the person named is the father of the child. The court may order blood tests, although the indicated father can refuse to take them. If the indicated father is under 16, they cannot do a blood test without the consent of his parents.



Does the birth father have rights?

Both parents of a child have equal rights to the custody and control of their child, if they have lived together after the child's birth and no court order has set out a different arrangement. It does not matter if they are married or unmarried. A written agreement cannot change this custody right. However, if the parents never lived together after the child's birth, the parent with whom the child lives is deemed to have sole custody and control. Family Conciliation provides mediation on parenting issues at no cost.

Can I get help to care for my baby so I can go to school or work?

You may be eligible for subsidized day care in order for you to be able to go to school, work or look for a job. For more information on eligibility, phone the Child Day Care Office.

You may also be able to obtain financial support from the other parent. Legal Aid Manitoba may be able to help you.

What if my child has special needs?

If your child has special needs, you may be able to get support through Children's Special Services.



Can I get financial help?

If you are a parent under the age of 18, child and family services may offer to provide support for you. If you are over 16 and live in Winnipeg, you are entitled to apply for income assistance to help you with your basic needs. There are a number of programs for young parents. Talk to a child and family services agency, Child Day Care, income assistance, or Healthy Baby for more information.

ADOPTION

What is adoption?

Adoption is a legal process that creates a parent-child relationship as if the child had been born to those parents. The birth parent(s) no longer have any rights or responsibilities for the child.

Making the decision

You can talk to someone at a child and family services agency or an adoption agency about the choices you have and what they mean; your rights and the help available after the adoption is completed; and, if you decide to go ahead with the adoption, what information you can get about the adoptive parents.

Is there support for birth parents who have placed a child for adoption?

The Adoption Act recognizes that deciding to place a child for adoption can be very difficult and therefore involve a wide-range of emotions including grief. Counseling may assist birth parents in coming to terms with their decision.

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After the adoption has occurred, there are support groups and agencies that can help. Their phone numbers are located at the end of this publication.

How do I place my child for adoption?

Adoptions in Manitoba are governed by *The Adoption Act*. You may voluntarily place your child in the care of a child and family services agency, or make your own adoption plans through extended family or through a private adoption. There are approvals required even if the person adopting the child is related to you.

What are the main differences between the options?

In the first option, guardianship of the child is transferred to a child and family services agency, which is then responsible for placing the child for adoption. Birth parent(s) can still be part of the selection of the family for their child if they so choose. Information about each other is shared and a meeting is possible if both parties agree.

With extended family adoption, you may make a plan with extended family members. In private adoption, birth parents can choose a family they know or they can ask either a child and family services agency or a licensed adoption agency to assist them in choosing a family. In this type of placement, names and addresses are shared with each other.

How soon after birth can a child be placed for adoption?

Ordinarily, not until after the birth parents sign a Voluntary Surrender of Guardianship (VSG) or Consent to Adoption, although exceptions can be made for earlier placement. You can sign a Consent to Adoption or a VSG 48 hours after the birth of a child and after the birth father has been legally notified.

Before a Consent to Adoption is signed, the agency must explain the effect of signing the consent, as well as the person's right to independent legal advice. The agency must also provide information about the effects of an adoption, including the role of the court in granting an Order of Adoption and the legal status of an adopted child.

Do I have to involve my parents?

It depends on your situation. As a general rule, you do not have to tell your parents, but you may want to discuss your plans with them.

What are my rights as a birth father if my child is being placed for adoption?

If you are named on the birth certificate, you must sign a VSG or a Consent to Adoption.

If you are not named, then you must be notified of the proposed adoption before the VSG or Consent to Adoption is signed by the birth mother. If you cannot be located, then a court can waive the requirement for notice and the child can be placed and the adoption can proceed.

When the birth father is not known?

As above, a court may waive the requirement to notify the birth father.

Can I change my mind about the adoption?

You have 21 days after signing a VSG or Consent to Adoption to revoke or cancel your consent in writing and the child must be returned to you immediately. After 21 days, adoptive parents may apply to court for an Order of Adoption. You will receive notice of this application.

When an Order of Adoption is granted, all legal rights and responsibilities for your child transfer to the adoptive parents.



Can I see my child after the adoption?

An agreement called an Openness Agreement can be made between the birth parents and the adoptive parents that allows for various degrees of contact between each other. These can range from an exchange of pictures and letters to personal contact.

After an adoption, how can we find each other?

The Post Adoption Registry is available to search for and facilitate contact between adoptees, birth parents, birth siblings and adoptive parents. All parties must agree to the contact. A person who is entitled to register on the post-adoption registry may file a written veto prohibiting the disclosure of any identifying information about him or her. The Post Adoption Registry does not charge fees for their services but Vital Statistics charges a fee if their services are required to assist in a search.

ADOPTION RESOURCES IN THE COMMUNITY

Child and Family All Nations Coordinated Response Network (ANCR)

835 Portage Avenue
Winnipeg, MB R3G 0N6
Ph: 944-4200
Toll-free: 1-888-834-9767
944-4050 (after-hours emergency calls only)

Winnipeg, Rural and Northern Child and Family Services (Winnipeg regional office)

222 Provencher Boulevard
Winnipeg, Manitoba
R2H 0G5
Ph: (204) 944-4288
Fax: (204) 944-4666

Outside of Winnipeg, information on adoption, child and family services and offices in your area can be found on the following web address:
<http://www.manitoba.ca/fs/childfam/adoption.html>
or you can call the All Nations Coordinated Response network (ANCR).

Adoption Options Manitoba

1313 Portage Avenue
Winnipeg, MB R3G 0V3
Ph: 774-0511

Manitoba Family Services and Housing Child Day Care Office

102 - 114 Garry Street
Winnipeg MB R3C 1G1
Email: cfsd@gov.mb.ca
Ph: 945-0776
Toll-free: 1-888-213-4754 (outside Winnipeg)

Manitoba Post Adoption Registry

201-114 Garry Street
Winnipeg, MB R3C 4V5
PH: 945-6964
Fax: 948-2949 or 945-6717



OFFICES THAT PROTECT THE RIGHTS OF YOUTH

Office of the Manitoba Ombudsman

Winnipeg

750 - 500 Portage Avenue
Winnipeg, MB R3C 3X1
Ph: 982-9130
Toll-free: 1-800-665-0531
Fax: 942-7803
www.ombudsman.mb.ca

Brandon

202 Scotia Towers
1011 Rosser Avenue
Brandon, MB R7A 0L5
Ph: 571-5151
Toll-free: 1-888-543-8230
Fax: 571-5157

Office of the Children's Advocate

100 - 346 Portage Avenue
Winnipeg, Manitoba R3C 0C3
Ph: 988-7440
Toll Free: 1-800-263-7146
Fax: 988-7472
www.childrensadvocate.mb.ca

Manitoba Human Rights Commission

Winnipeg

7th Flr -175 Hargrave Street
Winnipeg, MB R3C 3R8
Ph: 945-3007
Fax: 945-1292

Brandon

Provincial Government Building
353-340 Ninth Street
Brandon, MB R7A 6C2
Ph: 726-6261
Fax: 726-6035

The Pas

2 Flr-Otineka Mall
PO Box 2550
The Pas, MB R9A 1K5
Ph: 627-8270
Fax: 623-5404

TOLL-FREE: 1-888-884-8681

TTY: 1-888-897-2811

Collect calls accepted in all locations
www.manitoba.ca/hrc

Office of the Children's Advocate

The Children's Advocate represents the rights, interests and views of children and youth who feel they are not getting the services they need from a child and family services agency or department.

An advocate is someone who speaks with you and for you. Advocacy is about supporting and helping to make sure you are heard and taken seriously.

The Office of the Children's Advocate will do its best to help you and support you whenever you have a concern. More specifically, the Advocate:

- can listen; give you information about how you can solve your situation on your own; help you say what you want to say; call someone for you and explain what you want or need; and assist you in participating in decisions that affect your life.
- may also: arrange a meeting with all the people involved and try to sort things out; work to change the system for all children and youth having the same problem; and work with the community to promote and support advocacy for all children and youth.

Information about the Children's Advocate Office, *The Child and Family Services Act* and *The Adoption Act* can be found on its website www.childrensadvocate.mb.ca.

Office of the Manitoba Ombudsman

The Manitoba Ombudsman investigates complaints from anyone who feels he or she has been treated unfairly by departments or agencies of the provincial or a municipal government.

There are also laws in Manitoba that require the provincial and municipal governments, school divisions, hospitals and health professionals such as doctors to respect and uphold your information access and privacy rights. The Ombudsman investigates complaints about your access to information and privacy rights under those laws.

If you feel a decision or action of someone in government that affects you was wrong or unfair, or if you have questions about your information access and privacy rights, you may contact the Ombudsman's Office. There is an intake officer you can speak to and who will listen to you. You can discuss your complaint privately.

If your concern is something they can investigate, they will explain the process. If it is not something that they can investigate, they will try to refer you to someone who can help.

Information about the Manitoba Ombudsman, *The Ombudsman Act*, *The Freedom of Information and Protection of Privacy Act* and *The Personal Health Information Act* can be found on its website www.ombudsman.mb.ca.

Manitoba Human Rights Commission

The Manitoba Human Rights Commission deals with complaints of **discrimination** and **harassment** in a number of areas of public life, including:

- employment;
- rental of housing; and
- public services and facilities such as stores, hospitals, schools, and recreation programs.

Manitoba's *Human Rights Code* is designed to promote equality of opportunity and to protect against discrimination based on:

- ✓ age;
- ✓ ancestry (including colour and perceived race);
- ✓ nationality or national origin;
- ✓ ethnic background;
- ✓ religion or religious association or activity;
- ✓ sex (including pregnancy);
- ✓ gender-determined characteristics;
- ✓ sexual orientation;
- ✓ marital or family status;
- ✓ source of income;
- ✓ physical or mental disability (which includes circumstances related to your disability, such as reliance on a wheelchair);
- ✓ political belief, activity or association.

Information on the Commission and *The Manitoba Human Rights Code* can be found on its website www.manitoba.ca/hrc.



The content of this publication may be subject to change. Check the websites of the Manitoba Human Rights Commission, the Children's Advocate or the Ombudsman for updates.