

# Practice Note

# Adoption Openness Provisions in the *Child and Family Services Act*

## Rationale:

The adoption system in Ontario continues to modernize practice and work towards integrating the practice of “openness”. Openness in adoption is about creating positive relationships for the benefit of the child or youth. Through the use of openness orders and arrangements, children’s aid societies (CASs) and families can help limit loss of relationships to help children and youth maintain connections with the important people in their lives. Best practices suggest that children and youth have a greater sense of identity and self-esteem through openness plans because they can retain their roots and heritage.

## Purpose:

The purpose of this note is to confirm the legislative options for openness put in place in 2006 and 2011, and to indicate the changes needed to evolve practice.

## Openness Provisions within the CFSA:

In 2006, the government of Ontario introduced the Transformation Agenda and subsequent amendments to the *Child and Family Services Act*. A key element of the change was the reduction of barriers to adoption, specifically the inclusion of openness orders and agreements where clinically appropriate. While the 2006 amendments did enable openness to proceed, there still existed impediments related to legal status reviews and the removal of access orders.

In 2008, the government of Ontario appointed the Expert Panel on Infertility and Adoption to produce the report *Raising Expectations* (2009), which included recommendations to further advance openness in adoption by removing legislative barriers to adoption.

In response to *Raising Expectations* and discussions with a range of stakeholders, the government introduced further legislative change which placed a greater emphasis on CASs to achieve openness. Agencies are now required to plan for every Crown ward to be eligible for adoption, regardless of whether they had an access order, and consider the benefits of an openness order or agreement. With proclamation of Bill 179 (*Building Families and Supporting Youth to be Successful Act*, 2011), the amended *Child and Family Services Act* removed access orders as a legal impediment to adoption. This change provides a legal alternative to the use of status reviews which has been perceived as one barrier to achieving permanency. These changes came into effect in 2011, and work is needed to support implementation.

## Shifting our Culture to Create Opportunities:

CASs can continue to evolve adoption practices to meet the intent of the legislative change. Greater ongoing collaboration and participation among adoption, family services, children’s services, and legal services teams is an important step. A child being considered for adoption is not a one-time decision, but may require consistent review and assessment until a child is adopted, or an alternative permanency placement is determined to be in the child’s best interest.

## Going Forward Together:

Anticipated practice changes may include:

- Examine suitability for adoption openness for Crown wards on an ongoing basis until adoption or another permanency plan can be achieved.
- Considering openness in adoption early on in the case management process (i.e. intake) may further a child's permanency plan.
- Ensuring front line and management staff are trained in the implications/requirements of openness arrangements in the Child and Family Services Act to promote an understanding of the potential benefits and challenges of openness orders and agreements.
- Targeted financial subsidies to support adoptions of older children and siblings are available for eligible families. These may result in more adoptions of children, especially foster parent adoptions of older children, who are well connected to their long-term foster families. CASs can also access the Ontario Permanency Funding Policy Guidelines which can provide necessary and meaningful supports to children, youth and families.
- Consideration to developing preliminary and ongoing post-adoptive supports to children, youth and families. Partnerships with community service providers may be an avenue to provide supports that can maintain, sustain and support adoptive placements.