

September 20, 2021

OACAS response to the proposed policy directive to require children's aid societies to register children and prospective parents who are approved for adoption on the AdoptOntario website in accordance with the criteria and requirements set out in the directive

The Ontario Association of Children's Aid Societies (OACAS) is a provincial membership organization representing 48 of the 51 Children's Aid Societies and Indigenous Child and Family Well-Being Agencies, and two are pre-mandated Indigenous agencies in Ontario. We ensure that our member Societies have the necessary tools, training, and conditions to fulfill their statutory mandate to deliver child protection services and achieve equitable outcomes for children, youth, and families across the province.

OACAS has some recommendations regarding the proposed policy directive being put forward by the Ontario government. We also want to offer some practical and achievable measures to strengthen this policy directive to support the best interests of Ontario's children, youth, and families.

Recommendation 1: Prioritize and invest in kinship service and family-based care

OACAS supports, in the strongest possible terms, permanency for children and youth and encourages the Ontario government to prioritize and invest in kinship service and family-based care. This approach is aligned with *Ontario's plan to Redesign the Child Welfare System* quality of care pillar that states that there must be "[prioritization] of family-based care... [to] [focus] on family-based placements, like kinship...to increase stability and culturally appropriate options for children and youth"¹.

Adoption must only be considered after exhaustive efforts have been unsuccessful in supporting family intervention and locating kinship care and other formal and informal network supports. Therefore, we recommend that kinship finding be an area of investment and development to support family unification.

Research shows that children and youth in the child welfare system supported by community members or living with families, extended family, or friends feel safer, happier, and better long-term outcomes. They also experience fewer behavioural problems, mental health distress, and fewer placement disruptions².

This approach is also a recommendation that stems from the OACAS *One Vision One Voice Race Equity Practices Framework*³ and builds on the Ministry of Children, Community and Social Service's mandate to improve stability, permanency, and quality of care for children and youth with the least intrusive care option.

OACAS only supports the Ministry's direction to utilize adoption as the last effort after considerable efforts have been made to locate kinship, formal or informal family support networks, and other family-based care options have been exhausted and unavailable. Therefore, we urge the government to increase financial supports for kinship services rather than the Adoption Resource Databank.

However, we know that consent adoptions arise when parents wish their child to be placed in adoption. This does not happen often, but there are instances when parents approach societies for support with a consent adoption.

¹ Government of Ontario. n/d. Overview of Ontario's Plan to Redesign the Child Welfare System. Retrieved online: [Overview of Ontario's plan to Redesign the Child Welfare System \(gov.on.ca\)](https://www.gov.on.ca)

² Ontario Association of Children's Aid Societies. (2021). *What to Expect When You're Not Expecting: A Kinship Service Guide for Child Welfare Professionals*.

³ Ontario Association of Children's Aid Societies, *One Vision: One Voice – Practice Framework Part 2: Race Equity Practices* (September 2016): 19, [African Canadian Child Welfare Report FINAL Sept11.indd \(oacas.org\)](https://www.oacas.org)

Recommendation 2: Continue to place children in their community to help maintain formal and informal social support networks

OACAS firmly supports the continuity of care and the nurturing of formal and informal connections and linkages to ensure that children and youth can maintain their sense of belonging, close bonds, and cultural linkages where they reside.

We recommend that this sentence be removed from the directive, “The ministry has consistently heard from families that since public adoptions are facilitated through local societies, it is often difficult for a prospective parent who is approved for adoption to be matched with a child who is eligible for adoption but who resides in another area of the province and whose case is managed by a different society.”⁴

Children and youth must remain in their community, and there needs to be language that helps to support, facilitate and maintain these essential linkages to their community and social networks. Language must also be added, so that prospective parents recognize that a child should stay in their local community as this is a critical component to their well-being.

Suggestive language to highlight this could be “*It is expected that Societies will continue to search for adoptive families locally to ensure, whenever possible, that children and youth remain in their communities and close to birth families*”.

As per the *Re-Design of the Child Welfare System*, there is a critical requirement to ensure the “[amplification] of youth voice”⁵ and to “[improve] stability and permanency.”⁶ In addition, this added language helps to uphold the *Child, Youth and Family Services Act, 2017*, which emphasizes that the Government of Ontario must be committed to “services provided to children and families should be child-centered [and] services to children and families should, whenever possible, help maintain connections to their families.”⁷

Recommendation 2: Clarify and enhance the proposed policy directive language

The policy directive in its current form will require amendments to ensure language specificity. The following recommendations should be considered:

Policy Title:

The current policy title is misleading and needs to be amended to reflect the directive’s intent. The title must be amended to reflect that prospective parents will be required to register their profiles. The policy clarifies this as it details “societies to advise prospective parents who are approved for adoption...and approve the profiles of prospective parents who register themselves on the website within 45 days”⁸.

We respectfully ask that the title be amended to ensure that prospective adoptive parents do not assume that local agencies register them but that prospective parents must self-register.

⁴ Ontario’s Regulatory Registry. (2021). *Proposed policy directive to require children's aid societies to register children and prospective parents who are approved for adoption on the AdoptOntario website in accordance with the criteria and requirements set out in the directive*. Ontario Government: Ontario. [Retrieved online](#).

⁵ Government of Ontario. n/d. Overview of Ontario’s Plan to Redesign the Child Welfare System. Retrieved online: [Overview of Ontario's plan to Redesign the Child Welfare System \(gov.on.ca\)](#)

⁶ Ibid.

⁷ Government of Ontario. (2017). *Child, Youth and Family Services Act, 2017, S.O. 2017, Chapter 14, Schedule 1, 2017 – Preamble*. Retrieved online: [SO 2017, c 14, Sch 1 | Child, Youth and Family Services Act, 2017 | CanLII](#)

⁸ Ontario’s Regulatory Registry. (2021). *Proposed policy directive to require children's aid societies to register children and prospective parents who are approved for adoption on the AdoptOntario website in accordance with the criteria and requirements set out in the directive*. Ontario Government: Ontario. [Retrieved online](#).

Recommendation 3: Improve the administrative burden and operationalization of the directive

The proposed policy directive includes additional “administrative requirements⁹” as there will be extra staff time that will be required to compile the appropriate profiles. Currently, not all agencies have the process of registering the adoption profiles on the Adoption Resource Databank.

The current proposal details that there will be an “an impact on societies...on their administrative requirements and costs”¹⁰. We would support this statement; however, we would disagree that the “administrative impacts will decrease in future years” as we would like to qualify the evidence to support that assumption.

To support the implementation of this policy directive, we recommend the following:

Training and personnel requirements

As societies across Ontario have varying capacity and differing adoption staffing personnel and as the policy directive notes that it is “optional for societies to register children in extended society care eligible for adoption on the AdoptOntario website, including the Databank,”¹¹ there will need to be enough time to implement this additional administrative step.

The policy notes that there will be a “six-month transition period to be in full compliance with the directive.” We request that additional time be given for this transitional period to ensure adequate training, allocation of staff, and change management processes to ensure successful uptake of this policy.

In addition, it states that “the policy directive would require societies to ensure that relevant staff are knowledgeable about the requirements in the policy directive and complete training on the use of the Databank provided by the Adoption Council of Ontario.”¹² We ask that there be clarity given about how societies can confirm that training has been conducted (e.g. written confirmation to the Ministry, CPIN, contact log etc.,).

Profile Maintenance

The policy directive lacks the regulatory impact assessment about the administrative work required to maintain and update profiles on the AdoptOntario website. There must be an acknowledgement about the additional administrative workload required of staff to ensure that the profiles are updated and maintained on an ongoing basis, which will require additional resourcing for some societies.

Clarity for Compliance Reporting

We recommend that the policy specify how societies will be “in full compliance with the directive.”¹³ and detail how that reporting will be conducted and in what format (e.g. CPIN, new reporting report etc.).

Clarify to Adoption Planning

The policy currently states that “societies to only registered children in extended society care on the Databank where the following criteria is met.... [the] society has begun adoption planning for the child and an adoption match or placement has not been found in 90 days.”¹⁴

We want to ask for more technical details about the 90 days, as there are concerns that the intention is that societies are placing children on the database in the 90 days when they are adoption planning. This is required as societies may not have all administrative processes in place (e.g. paperwork, statement of live births) at the 90-day mark. We ask that there be

⁹ Ontario’s Regulatory Registry. (2021). *Proposed policy directive to require children's aid societies to register children and prospective parents who are approved for adoption on the AdoptOntario website in accordance with the criteria and requirements set out in the directive*. Ontario Government: Ontario. [Retrieved online](#).

¹⁰ Ibid.

¹¹ Ibid.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

a new technical definition to determine what is entailed in the 90 days. We also ask that consideration be given to extend the 90 days due to the administrative paperwork requirements.

Recommendation 4: Use a child-centred approach to capacity and consent

The current policy states that the “capable child has consented to registration. Societies must have age appropriate conversations with the child to seek consent and where the child is not capable, the society will only consent on behalf of the child if it is in the child's best interests.”¹⁵.

We strongly recommend that ethical and inclusivity considerations be given regarding the ability of children and youth to be active participants in their decision-making. The *Child, Youth and Family Services Act 2017* strongly supports the “awareness of systemic biases...and the need to address these barriers should inform the delivery of all services for children.”¹⁶ Therefore, this sentence should be removed as this directive's approach to “othering children due to age or disability represents a “systemic barrier”¹⁷ that may led to inequitable decision-making about their adoption preferences.

Recommendation 5: Clarify the use of artificial intelligence

The policy directive details that the “*Databank uses an algorithm to determine appropriate proposed matches of children with prospective parents approved for adoption.*”¹⁸ We urge that additional language be added to support the selection process and matching of children and youth with prospective parents.

The policy, in its current written format, includes insufficient detail given about how the Databank is to be used only as a tool for centralized matching. We urge that language be added in the policy to detail how this Databank must be used in conjunction with human clinical decision-making and child welfare expertise.

We would also support additional research for this policy regarding the potential impact of artificial intelligence (AI) processes pertaining to adoption placement practices. We recommend that there be ethical guidelines and equity considerations embedded into this policy regarding the use of adoption matching. AI policies used for child welfare in Ontario must include approaches that “prioritize fairness and non-discrimination for children [and] protect children’s data and privacy.”¹⁹

Conclusion

OACAS supports the Ontario government’s efforts to strengthen its approach to adoption in Ontario. However, we urge the government to consider implementing the above recommendations to the proposed policy directive. We believe that these practical and achievable measures are in the best interest of Ontarians. We look forward to ongoing collaboration on this important issue, and we would welcome the opportunity to discuss with you our recommendations. Thank you for allowing us to present our views.

Summary of Recommendations:

1. Prioritize and invest in kinship service and family-based care
2. Continue to place children in their community to help maintain formal and informal social support networks
3. Clarify and enhance proposed policy directive language

¹⁵ Ontario’s Regulatory Registry. (2021). *Proposed policy directive to require children's aid societies to register children and prospective parents who are approved for adoption on the AdoptOntario website in accordance with the criteria and requirements set out in the directive.* Ontario Government: Ontario. [Retrieved online.](#)

¹⁶ Government of Ontario. (2017). *Child, Youth and Family Services Act, 2017, S.O. 2017, Chapter 14, Schedule 1, 2017 – Preamble.* Retrieved online: [SO 2017, c 14, Sch 1 | Child, Youth and Family Services Act, 2017 | CanLII](#)

¹⁷ Ibid.

¹⁸ Ontario’s Regulatory Registry. (2021). *Proposed policy directive to require children's aid societies to register children and prospective parents who are approved for adoption on the AdoptOntario website in accordance with the criteria and requirements set out in the directive.* Ontario Government: Ontario. [Retrieved online.](#)

¹⁹ UNICEF. (September 2020). *Policy guidance on AI for children – Draft 1.0.* Retrieved online: [UNICEF-Global-Insight-policy-guidance-AI-children-draft-1.0-2020.pdf](#), p. 7

4. Improve the administrative burden and operationalization of the directive
5. Use a child-centred approach to capacity and consent
6. Clarify the use of artificial intelligence

Additional Details:

OACAS thanks select members of the Provincial Adoption Committee and targeted member feedback for their insight and input on this directive.

For more information regarding our submission, please contact:

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Thank You

Thank you for your comments

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