Adoption Policies in Canada and Norway:

A comparative study of the Adoption Act in British Columbia, Canada and the Adoption Act in Norway

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Erasmus Mundus Master's Programme in Social Work with Families and Children

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Declaration

I hereby declare that the Dissertation titled, *Adoption Policies in Canada and Norway: A comparative study of the Adoption Act in British Columbia, Canada and the Adoption Act in Norway,* submitted to the Erasmus Mundus Master's Program in Social Work with Families and Children:

- Has not been submitted to any other Institute/University/College
- Contains proper references and citations for other scholarly work
- Contains proper citation and references from my own prior scholarly work
- Has listed all citations in a list of references.

I am aware that violation of this code of conduct is regarded as an attempt to plagiarize, and will result in a failing grade (F) in the program.

Date: May 31st, 2016

Signature: 

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Abstract

Title: Adoption Policies in Canada and Norway: A comparative study of the Adoption Act in British Columbia, Canada and the Adoption Act in Norway

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In my research, I studied social work policies on adoption in British Columbia, Canada and in Norway. I focused on British Columbia (BC) because Canada has provincial as opposed to federal legislation on adoption. It is pertinent to note that the relevant demographics of the Canadian province and the nation of Norway are similar in many respects.

The aim was to shed light on the social policy intentions, or the official 'wish lists', so to speak, of the political elites who authored BC's Adoption Act and Norway's Adoption Law (Adopsjonsloven).

I explored the texts on adoption using document analysis, with a grounded theory framework. Analysis revealed nine distinct categories: Best Interests of the Child; Continuity of Care; Maintenance of Pre-Adoptive Relationships; Family Membership; Child's Perspective; Identity Preservation and Aboriginal Rights; Birth Parents' Rights; Adoptive Parents' Rights vs. Requirements; Authority of the Court and Ministry.

This research highlights important aspects of policymaking aims with regard to BC's Adoption Act and Norway's Adopsjonsloven. Social workers in both settings are expected to act upon social policy guidelines, and my study sought to tease out these specifics. An important aim was to obtain knowledge on existing comparative policies. With that, I hope to encourage other researchers to delve deeper into cross-national learning in the field of adoption protocols in different settings, both locally and globally.

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Chapter 1:
Overview of Adoption of Children in Care in Norway and British Columbia

1.1 Introduction

Every child has a right to be loved and kept safe. Providing this safety and care is the responsibility of the child's parents in Norway and Canada. What happens though when parents fail to meet adequate standards of care for their children? Who ensures the needs of these children are met if it is decided that their parents will not be able to fulfill this role on a permanent basis?

According to experts in the field, since 1986, Norwegian social workers, or sosionomer as they are referred to, have relied on their national policy, the Adopsjonsloven [the Adoption Law], to answer these difficult questions. In contrast, Canada as a country does not have national policies regarding child protection. Instead, through the Constitution Act of 1867, §92(13), the state gives full jurisdiction over this matter to each provincial government. Social workers in the province of British Columbia [BC], working with the Ministry of Child and Family Development [MCFD], have relied on their own provincial policy, the Adoption Act, since 1996, to shape the way in which they practice the protection of children. These policies, which are up to date as of October and December 2015, respectively, are the foundation of my thesis.

My research focus is on provincial adoptions, in the case of British Columbia, and national adoptions, in Norway, and not international adoptions. I am also only focused on children who are living outside of their birth family in foster care, as mandated by the respective Ministries.

For the purpose of this dissertation, I use both BC and Norway's definition of *adoption* to mean the legal transfer of parental rights and responsibilities from the child's birth parents to another adult or pair of adults to care for the child permanently (Søvig et. al., 2014; Adoption, 2016). I also refer to BC's unique understanding of *permanency planning* as a concept designed to counteract the uncertainty faced by children and youth in the foster care system. The term *permanency* can have different applications. For example, a child being raised by their biological family from birth to adulthood can experience a sense of permanency in their familial relationships. That said, in this thesis, when I use the word *permanency* I am referring to the concept of obtaining a permanent family for a child through adoption. In British Columbia, when a child is living in foster care and it has been determined that reunification with the child's birth family is not an option, the word *permanency* is used to define the act of providing stability through adoption (Permanency, 2016).

Beginning with Norway, in 2010, 21 children previously living in foster care throughout the country were adopted. In 2011, this number increased to 25 and again to 27 in 2012. In 2013, the most recent statistic provided by the national report, NOU 2014:9 Ny Adopsjonslov, 25 children were adopted (Søvig et. al., 2014). Norway's national statistics website offers slightly different numbers with 29 children adopted from foster care in 2010, 40 children in both 2011 and 2012, 57 children in 2013 and 62 children in 2014 (Statistisk sentralbyrå, 2016). The difference may be attributed to more accurate definitions of children in foster care held by the committee assigned to create Ny Adopsjonslov.

Overall, these statistics both surprised and intrigued me. Three years ago I was employed as a social worker in the Permanency Planning program at a nonprofit agency. This program is designed to support children in British Columbia who are transitioning from foster care to adoption. In the year 2013/14, there was approximately the same number of children adopted off of my own personal caseload as there were in the whole of Norway. During the 2010/11 fiscal year in BC, there were 266 children adopted who were previously in the care of the Ministry; 232 children in 2011/12; and 205 children in 2012/13 (Turpel-Lafond et. al., 2014). With an increased focus on permanency planning, this number increased to 273 children adopted from foster care in BC in 2015 (MCFD, 2015). If I work from the statistics offered in Ny Adopsjonslov, almost 10 times as many children are being adopted from foster care in BC than in Norway. Why might this be so?

The difference in adoption numbers does not appear to be attributed to population. Currently both the country and province have similar size demographics with Norway's population of 5, 165, 802 at the beginning of 2015 and BC's population of 4, 683, 139 in the middle of 2015 (Statistisk sentralbyrå, 2016; BC Stats, 2015). Nor does the difference seem to be explained by a variance in total number of children and youth in care in each respective system. In this thesis, I will use both Norway's definition of care measures (Barnevernloven, 1992, §4-4, 4-12) and BC's definition of children in care (CFCSA, 1996, §1-1) to describe children and youth in care as those living out of their home and in the care of the relevant Ministries. In 2012 and 2013, the national statistic for children in care in Norway was about 9,000 (Statistisk sentralbyrå, 2016). By comparison, from 2007 to 2010, BC had on average 8,700 children in care per year (MCFD, 2011). In Norway in 2014, the number of children receiving care measures increased to 9,600; by 2015 in BC the number had decreased to 7, 210 (Statistisk sentralbyrå, 2016; MCFD, 2015).

What is perhaps as interesting as the statistics is the collective attitudes expressed by those working in the field of adoptions in Norway and BC. According to an important provincial review of the adoption system in BC, "it is evident that MCFD has not placed nearly enough focus on adoption planning in recent years" (Turpel-Lafond et. al., 2014, p. 4). The executive summary of the report adds that "adoptions and permanency planning must be seen as a high priority" (p. 4). This attitude is echoed by the first goal in MCFD's 2015/16 – 2017/18 province-wide Service Plan, which states that permanency should be achieved for children and youth in care and that adoption and out of care placements are a significant strategy in realizing this (Cadieux, 2015, p. 6).

Four years ago, the BC government awarded $95,000 CAD to six programs across the province specifically working with children adopted out of foster care (Victoria Foundation, 2012). The programs were similar in their aim: to promote awareness of the concept of permanency and to increase the practice of adoption. Today MCFD is calling for more action towards financing and supporting similar initiatives.

In contrast, when a Norwegian committee was formed to review the national adoption policy and compile a report on their findings, the committee members sought to establish what they considered to be a fair act in regards to adoption procedure. This was a difficult task due to many differing opinions as to whether or not adoption should be promoted (Søvig et. al., 2014). Essentially professionals in BC believe that the number of adoptions taking place, already much higher than the Norwegian count, is not high enough. Yet their Norwegian counterparts appear to question if even their relatively low numbers are too many.

1.2 Rationale for Study

My main interest is in exploring the attitudes and intentions of policymakers in British Columbia and Norway. In future research, I hope to explore *why* the difference in adoption numbers exists. The difference may be attributed to a number of factors, including socio-economic conditions, culture, and history but I wonder if the policies, which were written in their respective contexts, have strong differences as well. I question if the dissimilarities that exist in the prescribed adoption practices have evolved from significant distinctions in these national and provincial adoption policies. In order to research in the future the impact of adoption policies, I first must understand what is actually written in them.

I use document analysis to examine and analyze the content of Norway's national Adopsjonsloven and BC's provincial Adoption Act in an effort to shed light on this issue. These documents set out social policy 'wish lists' concerning policymaking intentions in two different geographical settings. From a research perspective, the data are therefore of interest. It is important to note that it is not my objective to compare the adoption systems in an adversarial manner or to determine which, if either, are 'working well'. Rather my aim is to explore what is written in and meant behind the policies that may affect these different practices.

My research seeks to make clear the official criteria that social workers are expected to follow in their practice. Policy is an integral element in social work (Figueira-McDonough, 1993; Cummins et. al., 2011). I believe professionals need to be involved in all aspects of policy, including development, implementation, and in this case review and analysis. Policies have the ability to change practice on a large scale and as a social worker this excites me. Having a more informed understanding of the Adopsjonsloven and the Adoption Act will hopefully open inroads for future research in policy implementation and comparative studies.

Finally, this research is in keeping with the objectives laid out by the Erasmus Mundus Consortium. Through my thesis, it is expected that I demonstrate an understanding of the protection, promotion and fulfillment of children's rights; that I show knowledge of international perspectives, cultural contexts, beliefs and practices and legal and policy contexts; and finally that I can critically assess social policy (Erasmus Mundus, 2016).

1.3 Context – Literature Review

1.3.1 The Welfare States

In 1990, Danish sociologist Esping-Andersen wrote *Three Worlds of Welfare Capitalism*, a text that would be cited and debated for many years. In it, he defines the concept of the welfare state and offers specific characteristics that differentiate between the *ideal types* of liberal, conservative, and social democratic regimes. While the categorization system has been criticized under both a feminist and family-centered lens for being overly simplistic, many researchers today still use these classifications in their practice (Arts & Gelissen, 2010; Cox, 2013; Berrick & Skivenes, 2013).

By definition, Canada, and its many provinces, including British Columbia, fall under the category of a liberal welfare state (Arts & Gelissen, 2010; Esping-Andersen, 2007; Cox, 2013; Khoo et. al., 2002). With low levels of decommodification, often high societal stratification and supports that are offered on a

means-tested basis, BC's state plays a relatively minimal role when ensuring that the needs of the people are met (Esping-Andersen, 2007; Arts & Gelissen, 2010; Berrick & Skivenes, 2013).

In comparison, while no country is a pure representation of the models, Norway comes decidedly close to depicting a true social democratic state (Esping-Andersen, 2007; Arts & Gelissen, 2010; Kojan & Lonne, 2012; Pösö et. al., 2014). In the Nordic model, the state plays a significant role in meeting a very wide range of needs through a system of high decommodification, low social stratification, and a relatively generous minimal threshold for offering supports (Esping-Andersen, 2007; Kojan & Lonne, 2012; Berrick & Skivenes, 2013).

There is a link between the welfare state practices in each society and the way in which their child protection systems function. In other words, both systems have been highly influenced by what their respective governments have chosen to support. Norway boasts of being one of the first countries to implement a structure focused on addressing the welfare of children and families. Since the late 19th century the Norwegian state has allocated significant resources to maintaining this system of support for all families (Berrick & Skivenes, 2013; Picot, 2016). The country's welfare state is built on universal support for all and it is evident that many aspects of the philosophy is present in social work practices (Esping-Andersen, 2007; Pösö et. al., 2014; Berrick & Skivenes, 2013). British Columbia first implemented child welfare policy in the early 1900s. While it was initially focused on prevention and support, liberal government ideals and funding practices quickly influenced the system to shift towards minimal state intervention, leaving gaps for private welfare to fill (Callahan & Walmsley, 2007; Arts & Gelissen, 2010; Cox, 2013).

1.3.2 Models of Child Protection

With time, the child protection systems continue to be shaped by the ideologies represented in their respective welfare states. Norway's child protection system is often referred to as *child welfare* or a *family services* model focusing on therapeutic support for the family as a whole; BC's system maintains the name *child protection,* as their main concern is risk to and protection of the child (Waldegrave, 2006; Trocmé et. al., 2013; Khoo et. al., 2002; Kojan & Lonne, 2012; Samsonsen & Willumsen, 2015).

In keeping with social democratic philosophy, Norway's family services offer a wide range of universal assistance focusing on prevention and voluntary, in-home support, designed to promote the strengths of the family unit (Waldegrave, 2006; Samsonsen & Willumsen, 2015; Berrick & Skivenes, 2013). Social workers work in partnership with families maintaining the mentality that parents are responsible for meeting the needs of their child and the role of the state is to support this relationship (Kojan & Lonne, 2012; Pösö et. al., 2014). The focus on individual protection, and particularly on coerced protection, is often seen as unnecessary and harmful to relationships involved (Kojan & Lonne, 2012; Picot, 2016).

This is not to say that Norway does not emphasize protection of children. Social work professionals in the field maintain that ensuring a child's safety is a top priority and in fact the name given to Norwegian child welfare agencies, *Barnevern*, translates to "child protection". But what this label of *family services* means in essence is that social workers in Norway believe the best way, and first intervention in protecting a child, is through the support of the family.

In contrast, BC does not have a child protection system without this intense and overlying focus on individual *child protection*. While the Norwegian system promotes partnership, the BC model is based on an adversarial legal approach where investigations ensue, social workers are often in conflict with families, and it is ultimately unacceptable for a child to be lacking protection (Waldegrave, 2006; Khoo et. al., 2002; Stokes & Schmidt, 2012). This system is based on the use of standardized risk assessment tools, making it possible for social workers across the province to share similar ideas of both what a child in need of protection looks like and the best, most effective intervention strategies (Khoo et. al., 2002; Stokes & Schmidt, 2012). Ultimately, the safety of an individual child takes precedent in a *child protection* model over the maintenance of family relationships.

Again in practice, social work is not as clear-cut as the stated intentions appear to be. Many social workers in BC do spend considerable time building relationships with families and they believe in the value of biological bonds and rapport between service user and professional. In reality though, the system as a whole tends to allot more resources to protecting the individual child and ensuring quality parental care rather than supporting the family unit.

It is interesting to note that many *child protection* models, which tend to be practiced in developed, English speaking societies, are often driven by tragedy (Khoo et. al., 2002). In 1992, the death of Matthew Vaudreuil, a six year old child very well known to the BC Ministry of Child and Family Development, spurred the writing of the 1995 Gove Report (Stokes & Schmidt, 2012). This in turn led to a full investigation of the Ministry. Upwards of twenty social work professionals were involved in Matthew's situation but in a system based on protection, all thought someone else was responsible for ensuring his safety. This provincial tragedy, along with other situations, resulted in a heightened focus on risk assessment and an increase in protection awareness while minimizing the value placed on relationship building (Stokes & Schmidt, 2012).

In keeping with liberal ideologies, the BC child protection system supports minimal interference with families, only intervening as a last resort when it is evident that the family cannot meet the needs of their child (Waldegrave, 2006; Khoo et. al., 2002). Essentially what this may mean in practice is that many children and families in BC who are struggling, but not so much as to require intense support, will not receive attention from MCFD. They may receive limited services through other non-profit agencies throughout the province but this will often not be driven by the state. What this also means though is when a child is deemed in need of protection, BC social workers are mandated to do everything within their professional powers to ensure that this child receives effective and efficient support.

In comparison, according to Canadian and Swedish social workers Khoo et. al. (2002), societies that practice *family service* models have a much greater readiness to intervene on a universal basis, with many more resources directed to prevention. Social workers in Norway promise early intervention, focusing their work on helping families develop the skills to essentially help themselves (Kojan & Lonne, 2012; Picot, 2016). What this means in practice is that many families receive small amounts of support to ensure that their needs as a unit are met. That said, the system runs the risk of minimizing protection issues and overlooking the direct needs of a child in favour of supporting the family (Pösö et. al., 2014; Kojan & Lonne, 2012).

Turning back to British Columbia, when social workers do intervene, one can expect that services will be intense and directly focused on minimizing all risk to the child and maximizing their protection. Support will be concentrated on the concept of

permanency for the child and all services will attempt to answer the question of the best ways to reduce harm (Khoo et. al., 2002; Waldergrave, 2006). More often than not, support will quickly shift to out-of-home placements and while the court and legal proceedings are not favourable, they are considered a regular part of a BC social worker's job (Waldegrave, 2006; Khoo et. al., 2002).

In contrast, very few Norwegian social workers in the field of child welfare will see the inside of a courtroom. When interventions take place in Norway, the focus historically has been, and to some degree in the present still is, on family preservation and maintaining the biological bond between children and parents (Khoo et. al., 2002; Ellingsen et. al., 2011; Ellingsen et. al., 2012; Pösö et. al., 2014). Whereas the BC system takes the stance that a parent must be able to support their child and if they cannot, that child should be removed, the Norwegian system places emphasis on in-home supports, seeing removal as a last resort (Pösö et. al., 2014; Ellingsen et. al., 2011; Ellingsen et. al., 2012; Picot, 2016). This ideological difference between the principle of permanency and the biological principle will be explored in detail in my theoretical framework chapter. While each system appears to be converging slightly, as the concept of a child's best interest becomes more and more prominent, attitudes regarding in and out of home care remain divided between the BC and Norwegian systems (Stokes & Schmidt, 2012; Trocmé et. al., 2013; Picot, 2016).

Next, I review the concept of a child, how they are viewed and what discourses are attached to them in each system. Up to this point, I believe what Norwegian social workers Samsonsen & Willumsen (2015) write, that a "country's social policy reflects its values" (p. 7); with such different driving values, I am curious to see the similarities and differences between Norway's Adopsjonsloven and BC's Adoption Act.

1.3.3 How a Child is Viewed

In society today, the concept of a child has been constructed and reconstructed many times, reentering popular discourse in child protection in recent years. The conversation, which often sounds more like a debate, centers on how a society should view their smallest and highly significant members. In 2001, British sociologist Nick Lee impassioned the discussion with his text *Childhood and Society*, where he described the alternative views of children as *child being* on the one hand and *child becoming* on the other. *Child being* is an individual in their own right with capacity, agency and the ability to make sound decisions for oneself; *child becoming* is a vulnerable individual in the process of eventually developing into an adult with rights and responsibilities but until then requires support and protection (Lee, 2001).

Stasiulis (2002), a Canadian sociologist and university professor, suggests that how a society views its children in this discussion is a social construct created by the society itself, its history, culture and values. Whether the common belief is that children need to be surrounded by care or that they are individuals with their own rights, the opinion is formed by the social meaning that the society attributes to them (Jans, 2004; Stasiulis, 2002; Ainsworth, 1978).

This meaning appears to be shifting though more and more across Western societies to the latter conception. Jans (2004), a Flemish educational scientist, writes that, "towards the end of the 19th century, the understanding grew that only governmental intervention would guarantee a childhood for all children" (p. 32). This view was in keeping with the paternalistic belief that children were irresponsible,

lacked capacity and agency, and were unable to make moral and ethical decisions for themselves (Lansdown, 1995; Jans, 2004). Since the introduction of the United Nations Convention on the Rights of the Child [UNCRC] in 1989 though and the children's movement throughout the 20th century, there appears to be a greater readiness to view the strengths of the child. It is favourable to see the child as an individual in their own right (Stasiulis, 2002; Jans, 2004) rather than mere "recipients of adult actions" (Lansdown, 1995, p. 19).

While Canada, and British Columbia in particular, have entered into this debate, their position on how to view a child remains somewhat puzzling. I will turn to Norway in due course. According to Canada's ratification of the UNCRC, the nation upholds the belief that "children are cast as full human beings, invested with agency, integrity, and decision-making capabilities" (Stasiulis, 2002, p. 508). That said, there is no explicit reference to children in the Canadian constitution and in BC they are granted few participatory rights (Lundy et. al., 2012; Stasiulis, 2002). In keeping with the nation's liberal history, all citizens, including children, are seen as individuals capable of providing for themselves. At the same time many adults in BC argue that this view minimizes their role as parents and destroys the 'beautiful' concept of the innocence of childhood (Tang, 2003; Stasiulis, 2002).

The province also appears to be confused when defining a child in law. While this varies across provinces, in BC a young person is considered an adult at the age of 19 years when they can vote in elections and consume alcohol. Until then, they are a child under the law. Even so, they are considered to have enough adult cognitive abilities to drive a vehicle at 16 years and they can be legally charged in court as an adult at the age of 14. A child in BC can legally consent to sex also at the age of 14, providing their partner is less than 5 years older than them. They must be 16 years old if their partner exceeds that 5-year gap.

It is evident that by the numbers, BC struggles to define what is and what is not a child, attributing some degree of adult responsibility at young ages while withholding many participatory rights until much later. In 2002, Stasiulis wrote that Canadians were committed to rejecting the view of seeing children only as *future potential*, but a year later Chinese-Canadian social work professor Tang (2003) suggested that the nation has "failed to fully conform to the precept of treating children as individuals capable of making their own decisions" (p. 281). Thirteen years later Canada and British Columbia still appear to be unclear in the way they define a child.

Turning to Norway, there seems a clearer definition and societal view of a child. According to Nordic social scientists Pösö et. al. (2014), in Norway, there is an "increased focus on children as independent subjects…with their own interests and rights" (p. 485). Using Lee's (2001) terminology, children here are generally viewed as *beings* in the present rather than *becomings* in the future. Courts are more willing to view the child as the main person in a case and the society has a greater readiness to see the child as a member on their own, skilled and capable of participation (Skjørten, 2013; Jans, 2004; Ellingsen et. al., 2012; Pösö et. al., 2014).

While by law the notion of childhood in Norway is also somewhat unclear, the majority of their adult rights and responsibilities come at 18 years old. It is important to note though that the society still struggles with determining the balance between a child's autonomy and their inherent vulnerability, particularly in regards to issues of state-involved child protection where the *child as being* often loses their sovereignty (Skivenes, 2010; Ellingsen et. al., 2012; Skjørten, 2013). Whether or not this is apparent in practice, in law Norway is relatively clear: a child is a person in their own

right, with capacity, agency, and abilities of self-determination (Skjørten, 2013; Jans, 2004; Ellingsen et. al., 2012; Skivenes, 2010).

1.3.4 United Nations Convention on the Rights of the Child, 1989

Much of this debate on how to view a child has been spurred by the creation, ratification and implementation of the UNCRC. In the 1980s it was determined by the United Nations General Assembly that an international treaty was required to mandate both the protection and provisions that are necessary to allot to children around the world. The Convention covers a large spectrum of rights and responsibilities given to children, including political, economic, social and cultural rights (UN General Assembly, 1989; Tang, 2003). It provides a framework for how to view children in personal and professional settings and ways to meet their universal needs.

In general, Canada as a whole has struggled with the implementation of the Convention according to regular reports written by the UN Committee on the Rights of the Child. It is important to note that these reports address Canada as an entire country and only make minor reference to individual provinces. The struggles the country has faced in implementation are, in large part, because of the split judicial system between federal and provincial jurisdictions. Canada has been unsuccessful in creating a national strategy or all-encompassing legislation directed towards meeting the needs of the children (Lundy et. al., 2012; White, 2014; Tang, 2003; UNCRC, 2012). Canada, and BC in particular, preform poorly in areas of child poverty, obesity, participation, early childhood education and education for First Nations children (White, 2014; Tang, 2003; UNCRC, 2012). The country, which ratified the treaty in 1991, continues to uphold its liberal values, limiting public spending on families. To some degree Canadian practice supports the argument that the Convention opens the door for unnecessary state intervention in private family life, which in turn minimizes the potential positive effects (Lundy et. al., 2012; White, 2014; Tang, 2003; UNCRC, 2012).

In contrast, Norway appears to be more successful in implementing the UNCRC, which they also ratified in 1991. The country is congratulated for the "ongoing activities of the government to amend laws or to adopt new ones in order to bring legislation in full harmony with the Convention" (UNCRC, 2010, p. 2). While Norway continues to face challenges in standardizing their supports across the geographically remote parts of the country, their willingness to provide effective and appropriate services is written into their laws (UNCRC, 2010). Norwegian social scientists Skivenes (2010) and Ulvik (2015) both caution that this legislation may not be enough to ensure a high standard of work with children but writing the Convention into law at the very least increases the chance of beneficial practice.

Two Articles in particular from the UNCRC have been strongly focused on in research. Those are Article 3 and Article 12. Article 3, part 1, states:

> 1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary concern.

Article 12, parts 1 and 2, state:

> 1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
>
> 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

UN General Assembly, 1989

These two Articles, while at some times harmonious and at others in tension with one another, are said to guide practices in both BC and Norway (Skjørten, 2013; Lansdown, 1995; Vis & Fossum, 2015). Article 3, the best interests of the child, is given significant weight in BC child protection cases, to the point where it is written into the provincial Family Law Act (Fernando, 2014; Tang, 2003; Stasiulis, 2002). While Lansdown (1995), an international children's rights consultant and advocate, reminds the reader that valuing the best interests of the child is not inherently beneficial and can at its worst be paternalistic, BC social workers hold the concept in high regard. As Tang (2003) writes, BC has "adopted a model of child welfare that focuses on the child's best interests" (p. 281) and in my personal working experience this rings true. Social workers across the province appear to use the best of their abilities to understand first what the concept *best interests* means and secondly how to apply it in practice to ensure that ultimately the best decision is made for the child. The Committee on the Rights of the Child agree that some progress in this area has been made in Canada as a whole, but they finish by stating that "the principle of best interests of the child is not widely known, appropriately integrated and consistently applied" throughout the country (UNCRC, 2012, p. 7).

In this area, Norway seems to have similar struggles to BC. The best interests of the child is a guiding principle of practice in the country and significant weight is given to the issue. Social workers attempt to obtain what Norwegian criminologist Skjørten (2013) calls a "holistic assessment of the child's best interest" (p. 292). But Skivenes (2010) writes that, "decision-makers have considerable leeway in exercising discretion [in this area]" (p. 339). The Committee on the Rights of the Child reaffirms this by reprimanding Norway for its lack of standard procedures and understanding of the concept across the country (UNCRC, 2010). The Committee also shows concern about sufficient training of professionals in Norway responsible for determining the best interests of the child (UNCRC, 2010). While I do not believe that it can be argued that either system lacks a caring heart for its children, both appear to have challenges around understanding and implementing this critical article of the UNCRC.

Article 12, children's participation, appears to invoke a greater degree of social work dissidence than the focus on the best interests. In the liberal welfare state of Canada, the complex issue arises around a child's ability to care for him or herself. The argument is such that the greater voice the state gives to a child, the greater risk the child is put in through exposure to an adversarial legal and protection system (Stasiulis, 2002; Fernando, 2014). While it is expected that children in BC are freely allowed to express their opinions on matters affecting their lives, often the idea of protection outweighs the focus on participation (Satsiulis, 2002; Fernando, 2014; UNCRC, 2012).

It is important to note that there are positive steps being taken in the province of British Columbia, particularly in community development initiatives which place a significant emphasis on youth-led decisions, listening to the child's voice and understanding their lived experiences (Ross, 2015; Blanchet-Cohen et. al., 2014; Fernando, 2014). According to the Committee on the Rights of the Child though, these initiatives are just a start. Currently in Canada there are "inadequate mechanisms for facilitating meaningful and empowered child participation in legal, policy, environmental issues, and administrative processes that [have an] impact [on] children" (UNCRC, 2012, p. 8).

Once again, in comparison Norwegian social workers appear to be more open towards the concept of child participation. In 2004 the Norwegian Children's Act lowered the age of which a child's opinion should be heard in legal proceedings from 12 years old to 7, also allowing for younger children to voice their perspective depending on their level of maturity (Skjørten, 2013; UNCRC, 2010). There is a strong discourse favouring child participation, believing that their perspective offers unique and valuable insight into social work practice (Jans, 2004; Ellingsen et. al., 2011; Kojan & Lonne, 2012; Ellingsen et. al., 2012; Ulvik, 2015; Skivenes, 2010; Vis & Fossum, 2015). In keeping with the philosophy that children are beings in their own right, Norway legislation mandates that their voices be heard and their perspectives given weight in key matters affecting them.

The belief has not come without controversy though. It is a widespread argument that this increased focus on the child's voice has minimized the perspective of the family as a unit, and above all the Norwegian child welfare system is concerned with maintaining the significance of the family voice (Skivenes, 2010; Jans, 2004; Ulvik, 2015; Vis & Fossum, 2015). It is also a concern that this prevailing acceptance of the value in child participation is not apparent in practice, where it matters the most (Vis & Fossum, 2015; UNCRC, 2010).

I have devoted a significant amount of time discussing the concept of the child in the social contexts of Norway and British Columbia. I have done so because I believe in the relevance this context has in understanding the Adopsjonsloven (Norway) and Adoption Act (BC). Assuming that both Acts were written with the child in mind, it is important to understand how the idea of that child was conceptualized in each context. When I attempt to dissect each policy, it is paramount that I understand exactly who the policy was created for. This allows me a deeper appreciation for the words used and phrases chosen.

I also researched an in-depth description to enable me to better understand my findings of the text analysis. When I find both similarities and differences, I can return to this section on how the child is viewed in BC and Norway to possibly shed light on some of my results. It is also important to note that at times this section may have seemed somewhat negative towards British Columbia. It is my opinion, influenced by my work in social services and the literature available, that currently BC does not meet its potential in understanding either Article 3 or 12 of the UNCRC. There is good work being done with children across the province but there are also failings that I see because I had the unique experience of working in this field. However, I do not have this experience in the Norwegian system and therefore am hesitant to offer insight. While my personal values and perspectives influence my work, I endeavor to make every effort to be as objective as I can in my text analysis of the Adopsjonsloven and the Adoption Act.

Chapter 2:
Principles and Theoretical Framework

2.1 Introduction

During my literature review, two important principles came to light. These are the *biological principle* and the *principle of permanency*. Traditionally, Norway has a history of placing a strong emphasis on the biological principle in child protection, while BC has focused on permanency through adoption. Neither system is based entirely on one standard or the other though. Nor are the principles contradictory. Both Norway's Barnevernloven [Child Welfare Act] and BC's Child, Family and Community Service Act, as well as their respective adoption acts, include provisions on maintaining biological family ties (Barnevernloven, 1992, §4-4, 4-19; CFCSA, 1996, §1-2b, 1-2e, 2-5) as well as ensuring continuity in a child's life (Barnevernloven, 1992, §4-20; CFCSA, 1996, §4c. Each of these principles, their application, and potential criticism, will be addressed first in this section.

Next I explore a relevant theoretical perspective in order to obtain a better understanding of my empirical findings data, namely *attachment theory*. I look at the theory on its own as well as its links with the biological and permanency principles. I explore these theoretical concepts in some detail. In addition, I use *grounded theory* because I enter my analysis without hypotheses. To be honest, I do anticipate seeing some elements of attachment theory in both policies. That is the rationale for spending considerable time understanding the theory and its links to principles practiced in Norway and BC. However, I am reading the documents with as much of an open mind as I can muster, thus utilizing grounded theory. In short, I patiently wait to let the text tell its story.

2.2 Biological Principle

At its core, the biological principle states that children should grow up with the family they were born into (Raundalen et. al., 2012; Ellingsen et. al., 2011; Slette et. al.,1993); this is allegedly in keeping with the child's best interests (Skivenes, 2010). The principle adds that if it is not possible for a child to be raised by their birth family, contact between the child and their kin should be maintained and prioritized (Raundalen et. al., 2012; Slette et. al., 1993; Ellingsen et. al., 2011). Those who support this view typically believe in the intrinsic value of biological ties. There is something unique in the genetic bond between a parent and his or her child and this filial relationship can endure hardships and create stability for the young person (Raundalen et. al., 2012; Picot, 2016; Slette et. al., 1993).

In my professional work, I have seen this principle in practice. I witnessed, after the fact, a young girl under the age of ten years old 'run away' from her foster home and walk over 25 kilometers to a neighbouring town to see her birth mother. This was after the Ministry implemented a 'no-contact order' between the two. Her rationale was simple: she wanted to see her mom. Family relationships are powerful. This principle argues that they should be nurtured and supported, particularly by social services, rather than splintered.

The biological principle, or det biologiske prinsipp as it is referred to in Norwegian, was first endorsed in an act in 1985 by Norway's Sosiallovutvalget [Social Legislation Committee]. Before the legislation, many professionals in Norway

already held to the principle (Picot, 2012). Similarly, BC legislation steadfastly promotes the importance of ongoing contact. However, in practice the province's strong focus on protection often supersedes the principle (Kelly, 2011). When the biological bond is given preference, as it is in Norway, its application regarding adoption is not difficult to distinguish. Adoption, as mentioned before, refers to the complete break of all legal ties between a parent and their child. Those who prioritize the biological principle may struggle with the concept of a permanent and extensive severing of a birth relationship. While it is not the only factor, this principle is said to be significant in the low numbers of adoptions that take place in Norway (Pösö et. al., 2014; Ellingsen et. al., 2011; Skivenes, 2010). Protection of the family bond and ultimately reunification of the biological unit are emphasized; this is in contradiction with the practice of adoption (Ellingsen et. al., 2011).

While supported by many in the field of social work, the biological principle is not without opposition. When the Norwegian child protection comes under fire, it is often because some critics claim the system does more to protect the parents and the family unit than it does the child (Backe-Hansen et. al., 2013; Raundalen et. al., 2012). Over the past few decades, particularly with the changing concept of how a child is viewed, awareness has focused on the transformation of family structures. The concern that not all parents choose to or are able to protect their children is also paramount (Lansdown, 1995). Additionally, there has also been a significant increase in research on the risks of early abuse and neglect on the long-term development of a child into adulthood (Raundalen et. al., 2012; Bush & Goldman, 1982; Bowlby, 1988; Ainsworth et. al., 1978). This has led to intense inquiry as to whether the biological family should be allotted such a high preference over other options in regards to raising a child.

The increased focus on the need for permanency in a child's life has also caused professionals to question whether the biological principle limits the child's sense of stability, as reunification is always a possibility (Raundalen et. al., 2012; Slette et. al., 1993; Backe-Hansen et. al., 2013; Pösö et. al., 2014). While strong weight is still given to the value of biological ties in Norway and other countries practicing family service models of child protection, there is an evident shift happening towards ensuring permanency and acknowledging adoption as a viable choice in obtaining this goal (Raundalen et. al., 2012; Pösö et. al., 2014). This is a fitting segue into the principle of permanency.

2.3 Principle of Permanency

The principle of permanency is derived from psychoanalytical and child development theory (Bush & Goldman, 1982; Barth, 1999). The principle states that, "every child has a need for a continuous, affectionate, and stimulating relationship with an adult" (Bush & Goldman, 1982, p. 224). The idea is linked to previous research conducted by Goldstein, Freud, and Solnit where they looked at children's relationships outside their biological homes (Bush & Goldman, 1982; Johnson & Fein, 1991; Waddell et. al.; 2004). The central belief behind the principle of permanency is that there are negative consequences when erratic instability is present in a child's life (Bush & Goldman, 1982; Waddell et. al., 2004). A child benefits psychologically when they have stability in both their environment and in relationships with primary caregivers (Barth, 1999; Waddell et. al., 2004).

The principle of permanency is not in juxtaposition to the biological principle. In many ways the biological principle supports the concept of permanency as long as

it is finding this sense of stability within the birth family. The difference comes when one discusses children living in out-of-home care for long term, as determined by the respective Ministries. In contrast to the biological principle, American social psychologists, Bush & Goldman (1982), discuss the concept of a psychological parent, or an adult with whom a child feels a strong psychological bond with. They suggest that a psychological parent can build a stronger relationship with a child than a biological parent can just by having birth ties (Bush & Goldman, 1982). For most young people, the psychological and biological parent are one in the same, but when child protection is involved, it is possible that these are two different adults in a child's life (i.e. a birth parent and a foster or adoptive parent).

In British Columbia, it is evident that there exists an over-arching aim in practice to achieve permanency for a child (FCSSBC & MCFD, 2012). In keeping with the biological principle, BC social work practice includes family reunification as one of the main ways of obtaining stability in a child's life. At the same time though when it has been decided that the child will not return to their birth home, attention quickly shifts to permanency through adoption (FCSSBC & MCFD, 2012; Turpel-Lafond et. al., 2014; Barth, 1999). While the Norwegian child protection system does not deny this need for permanency, they seem to move much slower in deciding whether or not a child can return to their biological home, often trying to find stability in other ways such as foster care (Skivenes & Tefre, 2012). In contrast to Norwegian attitudes, BC policy has historically followed the view that foster care is temporary and should not be used as a long-term answer for achieving stability in a child's life (FCSSBC & MCFD, 2012; Turpel-Lafond et. al., 2014; Bush & Goldman, 1982). According to many BC social workers, permanency means finding a 'forever family' and by definition, foster families do not meet this requirement of 'forever'.

Those who prioritize permanency through adoption often rely on evidence-based research. This research indicates that adoption is associated with greater continuity of care, minimal number of placements and caregivers, a heightened sense of emotional security and belonging, and better long-term developmental outcomes than foster care (Barth, 1999; FCSSBC & MCFD, 2012; Waddell et. al., 2004; Turpel-Lafond et. al., 2014; Ellingsen et. al., 2011; Skivenes, 2010; Skivenes & Tefre, 2012).

The principle of permanency, specifically permanency through adoption, has faced criticism over time as well though. As mentioned, foster care is often not viewed as a viable option in meeting the needs of stability for a child. As some researchers argue, this view minimizes the value of foster caregivers, who often provide strong, meaningful care for a child (Waddell et. al, 2004; Barth, 1999; Bush & Goldman, 1982). As well, the principle tends to be black and white in the grey area of social work. It can oversimplify the view of good and bad parenting and overlook the value of family continuity (Waddell et. al., 2004; Barth, 1999). Possibly the most intriguing critique, stated by Bush and Goldman (1982), argues that the principle of permanency "unwittingly provides the state child welfare agencies with a way to validate their failure to respond to the factors that threaten family stability" (p. 225). When the system fails to address in a preventative manner the needs of a family and as a result a child is removed, professionals can use permanency as a reason to move quickly past the breakdown and onto considerations of the child's future.

The principle does not appear to heed who the parent is in a child's life, as long as there is an adult who can provide quality care. Nor does it seek to alleviate or prevent problems within the biological family as long as future stability exists (Bush & Goldman, 1982; Waddell et. al., 2004). While at times the biological principle and

the principle of permanency appear to compliment one another and at other times are at odds, both concepts are strongly rooted in theory. One theory of particular relevance is *attachment theory*.

2.4 Attachment Theory

The concept of attachment has been in the forefront of social science research since the mid-1900s. According to John Bowlby (1988), a leading expert in attachment theory, research in the 1930s and 40s was focused on the effects of prolonged institutional care. The discussion shifted in the 1950s to harm caused from lack of maternal care and throughout the next decade the World Health Organization published their findings on the negative impact of maternal deprivation (Bowlby, 1988). Starting in the 1960s and onwards, Bowlby began to research and produce numerous works on the concept and applications of attachment theory. At the time, the underlying belief was that a child's relationship with their biological parents was built on the latter providing sustenance in the form of food for the child. Bowlby suggested that there was more to this relationship and that attachment, as a form of behaviour, was highly influenced by the proximity and security a primary caregiver provided, not just through feeding. From there, attachment theory gained momentum.

In the 1970s, Mary Ainsworth, a developmental psychologist instrumental in Bowlby's work, conducted studies with numerous children in order to examine their varying levels of attachment with their biological mothers; this research would later be called the Strange Situation (Ainsworth et. al., 1978). From these studies she along with her co-researchers argued, like Bowlby, that a child has a unique bond with one or possibly two caregivers. This bond is stronger than any other relationship in the young person's life. When the child is in need, demonstrating this through crying or other attachment behaviours, and the parent soothes, cradles or in some manner gives attention to the child, trust and attachment between the two are formed (Ainsworth et. al., 1978; Bowlby, 1988; Johnson & Fein, 1991).

Ainsworth et. al. (1978) also found that literal proximity forming physical attachment was not the only way the caregiver bonded with their child. Through their actions and words a feeling of stability could also be achieved. They suggest that this feeling of attachment is reiterated throughout adult life with expressions such as 'feeling close', 'keeping in touch', and 'keeping in contact' (Ainsworth et. al., 1978). The combined research efforts of Bowlby and Ainsworth also demonstrated that attachment was created at different ages for different children based on the developmental stage they were in (Johnson & Fein, 1991). This further emphasized the importance of the primary caregiver(s) presence throughout the early stages of a child's life.

Research on attachment theory led to the development of the concept of a 'secure base'. According to Ainsworth et. al. (1978), at the heart of attachment theory is protection, and that all people, both child and adults alike, feel safer when in the company of someone with whom, to varying degrees, they feel 'protected'. Children with healthy levels of attachment to their caregiver(s) feel that this person, who is perceived to be a secure base, enhances their feeling of security. They can then move away from this base, knowing at all times that they can return to their place of safety when protection is needed. Having this secure base is akin to having permanent company that a child knows they can leave but will continue to be there when sought out (Ainsworth et. al., 1978; Bowlby, 1988).

While there is abundant research on attachment theory and the consequences of both secure and insecure attachment, my research interests primarily are elsewhere. I am most concerned with the links between this theory and the principles of biology and permanency, which appear to influence the adoption practices in Norway and British Columbia.

2.4.1 Attachment Theory and the Biological Principle

When attachment theory was originally researched, the main focus was on the relationship between the child and their biological parent, more specifically the birth mother. The large majority of relationships observed through the Strange Situation were between child and biological mother and most of Bowlby's research initially focused on the same (Ainsworth et. al., 1978; Bowlby, 1988). This genetic relationship was viewed as pivotal to the child's development, so it is not difficult to see the link between the theory and principle. The biological principle says that there should be significant emphasis on the intrinsic value of kinship ties and attachment theory agrees. As Bowlby (1988) notes, a child by nature prefers one, or possibly two caregivers, and often these are his or her biological parents.

Perhaps as importantly, it is recognized that this relationship, that begins at birth according to the principle, carries on throughout childhood, adolescence and into adult life. Norwegian and British social scientists, Ellingsen et. al. (2011), suggest that, "most adolescents will continue to turn to their primary caregivers under stressful situations" (p. 303). It is pertinent here to add that Ainsworth et. al. (1978) propose that "few if any adults cease to be influenced by their early attachments, or indeed cease at some level of awareness to be attached to their early attachment figure" (p. 28). This is a leg on which the biological principle may stand: family relationships are of central importance and continue to be so throughout one's life. Therefore strong emphasis needs to be placed on maintaining these connections. Ainsworth and Bowlby, amongst others, agree that the biological bond is one that endures even through the creation of other attachments. Earlier notions that children can only have one or two strong attachments is strongly contested, and research suggests that the initial biological attachment, if strong, will not fade (Ainsworth et. al., 1978; Bowlby, 1988; Ellingsen et. al., 2012; Picot, 2016).

Interestingly, attachment theory also works to balance the biological principle, particularly in regards to child protection and adoption (Picot, 2012; Ellingsen et. al., 2012). Take for example a child who has been removed from their birth parents and the Ministry, in either Norwegian or BC context, has determined that it is unsafe to return home on a permanent basis. When one uses the principle to argue that contact between a child and their birth family must be maintained, the theory questions whether maintaining a bond simply for the sake of it, is in keeping with the best interest of stability for the child. This leads to the links between attachment theory and the principle of permanency.

2.4.2 Attachment Theory and the Principle of Permanency

As described above, the principle of permanency states that children thrive in stable circumstances, both with regard to their environment and their caregivers. Attachment theory suggests that children bond with an adult, such as a parent, when that person provides continuous, consistent care and remains a stable presence. The concept of stability links the principle and the theory. As Ellingsen et. al. (2012)

write, in attachment theory "it is important to have continual relationships in order to turn to a secure base when support is needed" (p. 435), the key phrase here being 'continual relationships'.

This sense of permanency becomes so much more vital for children who have experienced a lack of attachment in their early lives due to instability, adversity, or maltreatment in the home (Ainsworth et. al., 1978; Waddell et. al., 2004; Walker, 2008). For these children, most often the ones supported by child protective services, a sense of permanency or the feeling that they can settle in their surroundings without fear of constant displacement, is essential for their psychological well being (Waddell et. al., 2004; Ainsworth et. al., 1978). In 2008, Walker, a social worker and psychoanalytical psychotherapist, wrote that, "attachment theory is clear that it is not trauma *per se* that is important but whether there has been any resolution of the trauma" (p. 50). Ainsworth and Bowlby agree that a sense of permanency and stability in a child's life can in fact be a form of resolving early trauma.

While moving slightly away from Bowlby and Ainsworth's understanding of attachment developing at birth, Ellingsen et. al. (2011) and Ellingsen et. al. (2012) suggest that it is possible for children to develop strong, psychological attachments with caregivers outside of their biological family. In their research in Norway, they found a majority of children living in long-term foster care had formed deep, meaningful bonds with their foster families (Ellingsen et. al, 2011; Ellingsen et. al. 2012). The important point to be made here is the children in these studies believed that their foster home placements were permanent, and in the context this may be the case. They felt a sense of belonging and membership within the foster family. Critics in British Columbia may argue that in their particular context, foster care is not considered a 'forever' solution. Therefore permanency is not achievable. Regardless, the underlying argument is that when a child feels they are in a stable situation, they are capable of building new attachments. And as Bowlby (1988) suggests, when these attachments are fostered and supported, the caregiver can remain an important part of that individual's source of security throughout adulthood.

Attachment theory plays a pivotal role in many discussions around child protection and adoption practice. As a social work researcher it is important to acknowledge the probability that elements of attachment theory may present themselves in both adoption policies. With this said, whether or not attachment theory is relevant in my findings remains to be seen. I am confident that the text will shed light on other theories as well linked to adoption practice. I make no hypotheses before my analysis of the Adopsjonsloven and the Adoption Act as to what these theories may be and will let the data speak for itself. This is grounded theory.

2.5 Grounded Theory

Grounded theory was developed in the 1960s by American sociologists Barney Glaser and Anselm Strauss. Since then, there have been many variations of the theory, but this is not entirely in contrast to Glaser and Strauss' original intent. The practical elements of the theory are left open to degrees of interpretation, allowing the researcher some leeway to explore data without being heavily prescribed. Throughout the variations in practice, the main principles of the theory remain in tact. These include going in at ground level with an uninformed perspective and allowing the data to guide both the data collection methods and theoretical development (Glaser & Strauss, 1967; LaRossa, 2005; Hammersley & Atkinson, 2007; Bryman, 2012; Floersch et. al., 2010; Kjellberg, 2015).

The philosophy has "mixed epistemological roots in positivism, pragmatism and symbolic interactionalism" (Thornberg & Charmaz, 2014, p. 153). Its main purpose is theoretical recognition and development. The goal of grounded theory is to study data, through various methods, with the aim of developing or identifying theory from that gathered information (Glaser & Strauss, 1967; LaRossa, 2005; Bowen, 2006; Thornberg & Charmaz, 2014; Floersch et. al., 2010; Kjellberg, 2015). According to American social work professors, Floersch et. al. (2010), theories are "built upon observation of social interactions" (p. 3). For the purpose of this thesis, I will be observing the interactions within a policy to identify relevant theories. As the following chapter illustrates, I utilize a document analysis method to bring forward themes evident in both policies. I then identify existing theories as well as look to new ideas to connect these themes.

While there are positive aspects of the theory, I am aware of the criticism it has received as well. Firstly, researchers are often concerned with the lack of standard procedures specified by grounded theory (Bryman, 2012; LaRossa, 2005; Kjellberg, 2015). The absence of a pre-identified structure means that researchers may be conducting studies in many different ways, some valid and reliable and others not, but still calling it grounded theory.

Secondly, grounded theory has received criticism for its promotion that one can enter a research field theoretically 'blind' (Glaser & Strauss, 1967; Bryman, 2012; Floersch et. al., 2010). It may be naïve to think that one can research free from the preconceived knowledge of theory and hypotheses. I accept that my research is influenced by my personal experiences. I was educated and employed under the British Columbian system and this experience makes me, at least to some extent, the social worker and researcher that I am. But I am going in to my research free from expectations or hypotheses of what I might find in the policies. I will not analyze and interpret the policies only through a lens focused on attachment theory. Rather I shall consider the Adopsjonsloven and the Adoption Act with the idea that the data from these policies will guide me to categories and theory.

Chapter 3:
Methodology

3.1 What is Document Analysis?

While it was once recognized as primarily a method to be used only in quantitative research, recent years have seen a significant increase in qualitative document analysis. The method of analyzing documents in formal research became popular in the early 20th century (Cho & Lee, 2014). That said, one can imagine that the act of exploring the content of documents informally has been around for much longer. The explosion of the internet has had a profound impact on this method as now documents ranging from century-old diaries to current international treaties are both available and often easily accessible (Altheide et. al., 2008). Today document analysis is considered a widely accepted method in qualitative research (Altheide et. al., 2008; Yanow, 2000; Cho & Lee, 2014; Bowen, 2009).

It is important to understand what a 'document' is before discussing what one can do with it. American sociologists, Altheide et. al. (2008), write that a document "may be defined as any symbolic representation that can be recorded and retrieved for description and analysis" (p. 127). This is a broad definition and it opens the door for researchers to use the method as a tool in a large variety of research. Alan Bryman (2012), a prominent British social researcher, makes the one stipulation that document analysis typical involves exploring texts that were created for purposes other than the research itself. Many other researchers make note of the importance in defining documents by their accuracy and validity. I discuss this further in *Ethical Issues*.

In this thesis, I explore the content of two social policies in an attempt to understand the 'wish lists' of the policymakers who created these texts. Working to gain a broader knowledge of the meanings behind a text is the essence of document analysis (Altheide et. al., 2008; Bowen, 2009; Bryman, 2012; Yanow, 2000; Atkinson & Coffey, 2011; Cho & Lee, 2014). It is about the constant interplay between reading and interpreting, ultimately to discern themes and patterns within the text (Altheide et. al., 2008; Bowen, 2009; Owen, 2014; Cho &Lee, 2014). The purpose is to understand the perspectives of the authors and to produce empirical knowledge (Yanow, 2000; Vaismoradi et. al., 2013; Bryman, 2012; Prior, 2003; Bowen, 2009). Atheide et. al. (2008) and Owen (2014), an American policy researcher, compare document analysis to ethnographic research; instead of engaging with people in a community, the researcher immerses oneself in the text at hand.

3.2 How to Conduct Document Analysis?

I focus my research on the content analysis of the two government policies. As a relatively new method, content document analysis has been criticized for not having formal guidelines in regards to conducting the research (Bryman, 2012; Bowen, 2009; Altheide et. al., 2008; Wasserman, 2013; Cho & Lee, 2014). As a new researcher this means that I will not have a rigid set of rules to follow in my analysis. This can be both a positive challenge and a disadvantage of the method, a point I shall consider later. What the method is not ambiguous on is its first instruction to read and reread the text multiple times (Bowen, 2009; Vaismoradi et. al., 2013; Pinto et. al., 2012). If I am to analyze, I must have clear knowledge of what is written in the text.

The next step in document analysis is to engage in the systematic, rigorous process of coding or categorizing the text (Altheide et. al., 2008; Vaismoradi et. al., 2013; Bryman, 2012; Gleeson, 1994; Owen, 2014; Prior, 2003; Cho & Lee, 2014). There is no one method or guide that outlines this process. Descriptions on grounded theory are also ambiguous in regards to specifics in coding. Essentially the researcher engages with the document, highlighting important concepts or specific points that come to light. These preliminary bits of relevant text are then organized, based on their similarities, into categories (Bowen, 2009; Owen, 2014; Prior, 2003; Pinto et. al., 2012; Cho & Lee, 2014; Gleeson, 1994).

The categories are interpreted, with the goal of exploring potential emerging patterns, themes, frequency of words, trends and the relationships between the groupings (Prior, 2003; Bryman, 2012; Vaismoradi et. al., 2013; Bowen, 2009; Cho & Lee, 2014). Using grounded theory, the categories are also analyzed as a way to draw out relevant theories. There is an interplay between developing categories and the analysis of them, where they occur both concurrently and separately from one another. The researcher conducts each step on its own but the analysis is influenced by the chosen categories and vice versa. In addition, the researcher continues to have the option throughout the process of amending categories based on further and more nuanced analysis.

Throughout the process, I utilize the method of writing 'memos' as a way to highlight important findings, ideas, and future discussion points. These memos capture any questions I may have in the process as well as personal feedback for myself to use during analysis (Owen, 2014; Pinto et. al., 2012). The final steps in the process are reporting my findings and discussing my analysis.

Essentially, my analysis of the data is inductive. For all that, theories pertaining to attachment enable me, a posteriori, to understand grounded but now extracted data that came to light. I utilize theory that comes directly from the data in this case to explain the reasoning behind the similarities and differences found in the policies. I enter the process without preconceived ideas, not knowing what I will find, and use the texts to construct condensed ideal type categories. For this reason, my analysis is inductive rather than deductive (Vaismoradi et. al., 2013; Pinto et. al., 2012; Cho & Lee, 2014).

3.3 Why this Method?

I chose this method because of the breadth of knowledge that can be gained through the comprehensive investigation of a document, in this case a government policy. Documents are important. They carry messages about context and reveal the social and organizational perspectives of the authors (Bowen, 2009; Bryman, 2012; Laver et. al., 2003; Prior, 2003). As Bryman (2012) writes, documents are 'out there' just "waiting to be assembled and analysed" (p. 542). Providing that the researcher has an understanding of the context, a thorough examination of a document often exposes latent meaning in the content (Cho & Lee, 2014; Bryman, 2012). Understanding this meaning in a document allows one to further explore how it might be used in practice. Furthermore, documents are important as they often pose additional questions to explore (Bowen, 2009). During the rigorous coding, categorizing and memo writing, queries may arise about the data that the researcher did not set out to ask but may be of interest in the future.

Now that document analysis is recognized as a research method in its own right, it has become a useful tool in government policy creation and maintenance.

Bowen (2009), an American social scientist, notes that document analysis is "particularly applicable to qualitative case studies" (p. 29). In a sense my research views each policy as its own case.

Often one of the greatest challenges in document analysis is ensuring the validity and accuracy of the document. That said, the method is well-suited to my research because government policies to a certain degree can be viewed as both accurate and reliable (Bryman, 2012). Additionally, using document analysis to investigate a policy can sometimes allow both the researcher and reader to track the changes and development of that policy over time (Bowen, 2009). This is especially important when working with social work policy, as the field evolves on a frequent basis.

Another reason I chose this method is that researching documents can be appropriate when the field or topic is sensitive (Vaismoradi et. al., 2013). Social work deals with particularly sensitive issues, adoption being one of those. Choosing to analyze a policy rather than interview individuals can reduce potential stress or emotionally harmful questions. Finally I chose this research method to analyze policies as it has been used before with success (Turner, 1974 as cited in Bryman, 2012; Abraham 1994, as cited in Bryman, 2012; Gleeson, 1994; Yanow, 2000; Laver, 2003; Pinto, 2012).

Specifically, I focus on the analysis of policies because of the significant role they play in the social work field. I believe in the importance of understanding policy if one is to use it appropriately and effectively. On the one hand policy guides social work practice and yet on the other hand, there is a history of absence of social workers in policy creation, adaptation and review (Figueira-McDonough, 1993; Cummins et. al., 2011). Social workers are on the front line in the field and have a deep understanding of the needs of those affected by the policies. For this reason, professionals need to be aware of what these policies say and the context behind which they were written. Analyzing the Adoption Act and the Adopsjonsloven is a benefit to the societies they serve as well as to me as an individual social work professional.

I should add that there were various practical reasons for choosing a document analysis approach. With a four-month timeframe, this is a relatively short thesis project and document analysis utilizes my limited time most efficiently. As a social worker who has worked in Canada and studied in Norway, I have seen multiple areas of researchable interest. Using other qualitative methods to compare the countries policies, such as surveys or focus groups, may have resulted in delays to my research due to the geographical and time distance between the two. Finally there is also a language barrier to consider. Because I conduct my research in Norway, document analysis allows the avoidance of in-person translators, which may be costly, time consuming and ultimately inappropriate in the highly sensitive field of adoptions.

3.4 Ethical Considerations

In qualitative research, ethical concerns that can arise include harm to the participants and issues regarding confidentiality, informed consent, deception, and invasion of privacy (Bryman, 2012; Banks, 2016). In document analysis, where texts rather than individuals are analyzed, these problems are considerably reduced. This is not to say that there is a total absence of ethical issues. In any research, particularly in the social work field, it is the researcher's responsibility to ensure that the study does not cause harm (Polonsky & Walker, 2005). It is my obligation to be aware of

possible ethical issues to ensure the protection of the author(s) of the document, as appropriate, of my supporting university and of myself. General ethical issues to be aware of involve the right to respect, in this case respect of the documents I will analyze, plagiarism, and other forms of academic fraud.

As a social worker I must also adhere to specific professional codes in my research (Clark, 2006; Banks, 2008; Banks, 2016) I adhere to the ethical standards followed by the University of Stavanger (De Nasjonale Forskningsetiske Komiteene, 2014), the principles outlined in the MFamily Dissertation Handbook (2015), and the standards upheld by the British Columbia Association of Social Workers (BCASW, 2011).

There are specific ethical issues concerning the method of document analysis. The first is a relative lack of guidelines stating how to conduct the research (Wasserman, 2013). This means that every researcher could potentially engage in different forms of analysis while still utilizing the umbrella term. While the method is moderately open to interpretation, there are ineffective and potentially incorrect ways to conduct document analysis. Without a standard procedure, one may research inefficiently or inappropriately and still call it document analysis. Poor analysis techniques can sully the credibility of the method and be considered unethical. To counteract the problems associated with this, I keep detailed records of my analysis, tracking both my process and progress, and seeking to maintain transparency throughout. Allowing the reader to know every step in my process enhances the dependability of my research (Cho & Lee, 2014; Vaismoradi et. al., 2013; Bowen, 2009; Glaser & Strauss, 1967).

Another ethical concern is the risk of bias attached to the document. As I researcher, I chose the texts to analyze. Therefore it is my responsibility, insofar as it is possible, to ensure that the documents were compiled in both an ethical manner and for an ethical purpose. This is not to say that researchers do not have the moral right to analyze unethical documents if they chose. But if one is to claim the credibility of a text, this should be substantiated. The compilers of social policy documents invariably have their own agendas. This may lead to the presentation of dubious 'facts-of-the-matter' that privilege elite discourses and omit other, perhaps more critical, voices. While the credibility of content in official documents can often be trusted, bias can nevertheless be present in the manner in which arguments are stated or understated (Vaismoradi et. al., 2013; Cho & Lee, 2014; Atkinson & Coffey, 2011; Prior, 2003; Owen, 2014; Bryman, 2012). It is therefore important for a researcher to do some detective work. This might include watching out for underlying ideological agendas that are not openly disclosed.

It is important to add that, ethically speaking, I do not have a moral obligation for such insertions. However, I am obliged to be on the lookout for such things as the use of language that might, for example be understood differently in various contexts (Cho & Lee, 2014; Bryman, 2012; Atkinson & Coffey, 2011; Prior, 2003; Garfinkel, 1967; Yanow, 2000). Understanding the background in which each document was written was the purpose of the in-depth literature review on the Norwegian and British Columbia adoption contexts in Chapter 1 of this thesis.

There is also an ethical obligation for an 'apprentice researcher' not to skimp the challenges that are involved in interpreting documents and coding text (Bryman, 2012; Wasserman, 2013; Garfinkel, 1967). As a new researcher, my own skills are still being honed. To reduce the risk of incompetence, I work closely with my supervisor who is skilled and experienced in this field, meeting for a total of 20 hours of direct supervision supplemented by regular email correspondence. That said even

the most experienced researchers can struggle with not allowing their personal biases to influence their research. It is recognized that it can be very challenging, if not impossible, to be neutral in my analysis, particularly in the social work field (Yanow, 2000; Laver et. al., 2003; Clark, 2006; Banks, 2016). But I am committed to understanding my own values and biases (Yanow, 2000; Bryman, 2012; Pinto et. al., 2012; Bowen, 2009) and trying to remain as objective as possible throughout my research.

Finally, there is the language issue that I have already referred to. While I do not interview people, I scrutinize a document that is not in my native language and as Welsh social scientists, Atkinson and Coffey (2011) recognize, language in documents is quite particular. To safeguard against the possibility of linguistic misunderstandings, I first retrieved a translated copy of the Adopsjonsloven from the Norwegian government website, Regjeringen.no. I then verified as far as possible the translation using multiple electronic dictionaries. Next I had a native Norwegian speaker, who has experience in the social work field in Norway, review my translation. Lastly, I had my two Masters program directors, who are fluent in both English and Norwegian, give a final review of the translation. These steps help to ensure a complete and accurate translation of the policy from Norwegian to English.

3.5 Additional Reflections

Through my research of document analysis, some reflections on my method choice became apparent. As an individual researcher who is working within a pressing timeframe and program guidelines, I have not been able to draw upon the opinions of other researchers, with the exception of my supervisor. Moreover, the opportunity to engage in critical dialogue, again due largely to constraints of the program, has been limited. Often the method of document analysis is used by a team of researchers; as a single person I am at the disadvantage of not having another researcher to crosscheck my interpretations and findings with (Gleeson, 1994; Bowen, 2009; Vaismoradi et. al., 2013; Prior, 2003). The upshot is a Master thesis that is principally based on my own interpretations; not forgetting however, regular feedback from my supervisor.

Additionally, it is not my intention to contend with quantitative researchers who may argued that qualitative methods are less scientific, replicable, and transferable than their quantitative counterparts (Vaismoradi et. al., 2013; Altheide et. al., 2008). The important thing is to choose the right tool for the right job, rather than to rebuke the method choices of other researchers. And in this case, I believe using document analysis from a grounded theory framework is the right tool. Glaser and Strauss (1967) argue that the application of grounded theory, when properly used, legitimizes qualitative research to some degree because the theory is identified from the data and can be tested as such. Nonetheless, I cannot and will not generalize my findings to larger contexts. The aim is to produce suggestive research findings that may lead others, and perhaps myself, to pursue local evidence further and on a bigger scale.

Another thing I have found is that a document is intact and remains so. It gives the researcher the chance to read and reread it without changing the text itself. This is an advantage of the research method. My interpretations might change, hopefully becoming more refined by revisits, but I cannot change the social policymakers' own discourse in the way that they have written it (Bowen, 2009; Cho & Lee, 2014; Laver et. al., 2003; Bryman, 2012). It is also relevant to add, and I have already intimated

this, that document analysis is a form of research that, as it answers some questions, it also creates new areas of interest for others to investigate, modify, and improve. Altheide et. al. (2008) call this a creative act in research. In the final section of this thesis, I review some of the questions that came to light through my analysis.

Chapter 4:
Findings

4.1 Introduction

In this chapter, I illustrate the relevant findings from my analysis of British Columbia's Adoption Act and Norway's Adopsjonsloven. I present categories that are evident in both documents as well as some unique to each. It is important to note that some categories have the same name. This does not necessarily mean that all of the content within the category is equivalent; for example the child's views in the Norwegian text appears to differ from the similarly named category in the BC text.

I begin with a brief description of each government policy. BC's Adoption Act is a large document of 43 pages and approximately 13, 275 words. It is broken down into nine parts, with a total of 101 sections. The policy begins with a glossary, providing definitions and interpretations of words used throughout the document. This glossary gives the first insight into BC policymakers' possible intentions. With stated definitions provided by the policymakers themselves, no words or terms in the policy should be misunderstood or thought to mean something other than what the policymakers believe them to mean. This is the beginning of a highly regulated policy.

In my analysis I chose to omit a significant majority of the following sections: Part 4 – *Interprovinical and Intercountry Adoptions;* Part 7 – *Offences and Penalties;* Part 8 – *Regulations;* and Part 9 – *Transitional and Other Provisions*. While they provide insight into the strict legal nature of the Adoption Act, these parts do not offer additional information regarding my research area of children adopted out from foster care in BC. I do, however, include a small number of relevant statements from these sections in my analysis.

In comparison, Norway's Adopsjonsloven is considerably shorter in length. When printed, it is 14 pages and approximately 1,935 words. The document has five chapters with a total of 25 sections. It does not provide a glossary for terms used. Again I omitted the majority of Chapter 4 – *Issues Relating to Private International Law* from my analysis, although it makes up a total of seven sections in the policy. Adoption from a foreign state, involving this private international law, is the second most common form of adoption in Norway, hence the prominence of the topic in the policy. However, my focus is on adoption from foster care within Norway, leaving Chapter 4 largely unrelated.

While there is a significant difference in the overall size of the documents, which has an effect on the amount of data provided by each, there is sufficient content to explore. Initially I analyzed each document separately. On my first read-throughs, when I saw an interesting idea I wrote it on the top of a piece of paper. When I came across a different idea, I recorded it on a separate sheet of paper. When I found another piece of text that initially struck me as similar to the previous text, I wrote it on the same page, under the first quote. I continued in this way by either adding what looked like data that shared an affinity or writing atop new sheets of paper. I used a colour-coding system to physically identify in the policies illustrative text containing similar ideas.

Throughout the process, I kept notes or memos relaying any questions I had and surprises I found in the text. These memos described areas I wanted to research more and sections of the document that were not relevant to my study focus and could

thus be omitted from my analysis. I also noted the frequency in which some words or phrases were used. While this is not a statistical analysis, I found the frequency of a few key words to be important. The memos also highlighted references to other national or provincial acts within the Adoption Act and the Adopsjonsloven.

Next, I reviewed the collected data. I combined the sections of text that appeared to share similar themes into 'fairly self-standing' categories. I use quotations here to signal a reluctance to overstate thematic uniqueness because rigid demarcation can hide overlap. As well as being open to potential overlap, these categories remained open to modification after further scrutiny. Examples of my categorization process are as such: In my analysis of BC's Adoption Act, I reviewed my colour-coding of the text and merged the ideas of *aboriginal, culture, history, preservation, Indian band, Nisga'a Lisims Government*, and *treaty first nation* into the broader category of *Aboriginal Rights*. Similarly, in my analysis of Norway's Adopsjonsloven, I discovered that the text that I identified as *child's opinion, child's consent, open communication, child's legal status*, and *religious upbringing* could be combined into the broader category of *Child's Perspective*.

Throughout this process, I returned to the policies numerous times. As I created categories, I questioned whether I had included all of the material present in the text or whether new data would present itself if I looked at the policy from a more nuanced perspective. For example in BC's Adoption Act, after combining text that suggested themes of *permanency, attachment, continuity*, and *residing with foster parent* into the category named *Continuity of Care,* I reread the document specifically looking for additional data in this area. I also discovered that as I found a prominent category in one text, I would reread the other policy with an eye for that particular idea. For example, I found *Family Membership* to be a theme, albeit minor, in the Adoption Act so I reread the Adopsjonsloven to see if it appeared there as well. Additionally, after rereading the texts, I found what I initially thought as similar categories to be different. For example the category of *Adoptive Parents Rights* was initially evidenced in both texts. After reviewing my notes and the policies I realized that one policy discussed adoptive parents' *rights* while the other focused on *requirements*. These two categories are explored in the next chapter.

After this rigorous process of categorizing, I developed two separate tables, one for each policy, describing the category on one side and illustrative text on the other. The categories I found in BC's Adoption Act include:

- Continuity of Care
- Best Interests of the Child
- Family Membership
- Identity Preservation
- Aboriginal Rights
- Child's Perspective
- Maintenance of Pre-Adoptive Relationships
- Birth Parents' Rights
- Adoptive Parents' Rights
- Authority of the Court and Director

The categories I identified in Norway's Adopsjonsloven include:

- Best Interests of the Child
- Child's Perspective
- Continuity of Care
- Maintenance of Pre-Adoptive Relationships
- Requirements of Adoptive Parents
- Birth Parents' Rights
- Ministry's Authority
- King's Authority

Below is the chart depicting each category and its illustrative text. The first chart focuses on BC's Adoption Act and the second on Norway's Adopsjonsloven. I then move on to my final chapter where I discuss my findings.

4.2 British Columbia's Adoption Act

Category	Illustrative Text
Continuity of Care	2: "The purpose of this Act is to provide for new and permanent family ties through adoption" 3(1): "All relevant factors must be considered in determining the child's best interests, including...(c) the importance of continuity in the child's care" 35(1) "the court may make an adoption order if it is satisfied that (a) the child has resided with the applicant for at least 6 months immediately before the date of the adoption hearing"
Best Interests of the Child	2: "this Act...[gives] paramount consideration in every respect to the child's best interest" 3(1): "All relevant factors must be considered in determining the child's best interests" In the child's best interest the court may: 11(1)(a): "dispense with notice of a proposed adoption" 17(1): "dispense with a consent required" 22(4): "revoke the consent" 35(1): "make an adoption order" 38(2)(a): "order that an order...respecting contact...does not terminate" 61: "disclose identifying information"
Family Membership	3(1): "All relevant factors must be considered in determining the child's best interests, including...(d) the importance to the child's development of having a positive relationship with a parent and a secure place as a member of a family" 37(1): "When an adoption order is made, (a) the child becomes the child of the adoptive parents, (b) the adoptive parent becomes the parent of the child"
Identity Preservation	3(1): "All relevant factors must be considered in determining the child's best interests, including...(f) the child's cultural, racial, linguistic and religious heritage"

	6(1): “Before placing a child for adoption, a director or an adoption agency must...(c) obtain as much information as possible about the medical and social history of the child’s biological family and preserve the information for the child” A birth parent may file: 65(3)(b): “a brief summary of any available information about the medical and social history or the pre-adoption parents and their families”
Aboriginal Rights	3(2): “If the child is an aboriginal child, the importance of preserving the child’s cultural identity must be considered” 7(1): “Before placing an aboriginal child for adoption, a director...must...discuss the child’s placement with...(a) the [Indian] band...(a.1) the Nisga’a Lisims Government...(a.2) the treaty first nation...(b) the aboriginal community” 7(3): “An adoption agency must make reasonable efforts to obtain information about the cultural identity of a treaty first nation child before placing the treaty first nation child for adoption” 37(7): “An adoption order does not affect any aboriginal rights the child has” 46(1): “the court may recognize that an adoption of a person effected by the custom of an Indian band or aboriginal community has the effect of an adoption under this Act” 62(2): “A director may...with the written consent of the child’s adoptive parents, disclose identifying information so that an aboriginal child can be contacted by...(a) the [Indian] band...(a.1) the Nisga’a Lisims Government...(a.2) the treaty first nation...(b) the aboriginal community”
Child’s Perspective	3(1): “All relevant factors must be considered in determining the child’s best interests, including...(g) the child’s views” 6(1): “Before placing a child for adoption, a director must...(e) make sure that the child...(i) has been counseled about the effects of the adoption, and (ii) if 12 years or age or over, has been informed about the right to consent” 13(1)(a): “The consent of...(a) the child, if 12 years of age or over [is required for a child’s adoption]”

	20: “A child may revoke consent to adoption at any time before the adoption order is made” 30(1): “Before applying to court for an adoption order relating to a child who is at least 7 years of age and less than 12...a person authorized...meet[s] with the child...and make[s] a written report...(2) indicat[ing] whether the child (a) understands what adoption means, and (b) has any views on the proposed adoption and on any proposed change of the child’s name” 36(2): “the court may change the child’s given names or family name...but only (a) with the child’s consent, if the child is 12 years of age or over, or (b) after considering the child’s views, if a child is at least 7 years of age” 59(3): “If the child is of sufficient maturity, the child’s views must be considered before the [openness] agreement is made” An adopted person, 18 years or older, may apply to the register general to file: 65(1)(a): “a written veto prohibiting the disclosure of a birth registration or other record” 66(2): “a written no-contact declaration”
Maintenance of Pre-Adoptive Relationships	3(1): “All relevant factors must be considered in determining the child’s best interests, including...(e) the quality of the relationship the child has with a parent or other individual and the effect of maintaining that relationship” 5(2): “Each prospective adoptive parent must be a resident of British Columbia” 38(2): “The court may, in the child’s best interest, (a) order that an order...respecting contact with the child or access to the child does not terminate” 59(1): “For the purpose of facilitating communication or maintaining relationships, an openness agreement may be made...by an adoptive parent [and]...(a) a relative of the child; (b) any other person who has established a relationship with the child; (c)...an adoptive parent of a sibling of the child” 63(1): “An adopted person 19 years of age or over may apply...for the following: (a)...an original birth certificate...(b) adoption order...(c)...a notice...provided by the treaty first nation under section 12.1 of the Vital Statistics Act”

	69(2): If an adopted person 19 years or age or over and a relative of the adopted person have both registered [with the Provincial director to exchange identifying information], the Provincial director must notify each of them and disclose the identifying information provided by the other" 71(1): "An adult [i.e. an adult adoptee]...may apply to the Provincial director for assistance in locating: (a)(i) a birth parent of the applicant (a)(ii) an adult adopted sibling of the applicant (a)(iii) if a birth parent of the applicant is dead, an adult birth sibling of the applicant" 71(9): "If a person located [i.e. an adult birth child] wishes not to be contacted by an applicant [i.e. a birth parent], the Provincial director must not disclose any information identifying the name or location" 71(10): "If a person located by the Provincial director wishes to be contacted by an applicant, the Provincial director may assist them to meet or to communicate"
Birth Parents' Rights	When a child is under the continuing custody of the director, the director does *not* need to: 6(1)(a): "provide information about adoption…to the parent" 6(1)(b): "provide the parent or other guardian with information about prospective adoptive parents" 6(1)(f): "obtain any consents [from the birth parents] 10(1): "A parent may, in accordance with the regulations, register on the parents registry to receive notice of a proposed adoption" 31(1): "At least 30 days before the date set for hearing an application for an adoption order, the applicant must give written notice of the application...(b) to any person who...has contact with the child or access to the child" 42(2): "If the identity of a parent or other guardian is not known to an adoptive parent, the child may only be identified on an adoption order by the child's birth registration number" A birth parent may apply to the register general to file: 65(1)(b): "a written veto prohibiting disclosure of a birth registration or other record" 66(1): "a written no-contact declaration"

	71(1): “An adult [i.e. a birth parent]...may apply to the Provincial director for assistance in locating...(b)...an adult adopted child of the applicant” 71(9): “If a person located [i.e. a birth parent]...wishes not to be contacted by an applicant [i.e. a birth child], the Provincial director must not disclose any information identifying the name or location”
Adoptive Parents’ Rights	6(1) “Before placing a child for adoption, a director must...(d) give the prospective adoptive parents information about the medical and social history of the child’s biological family” 36(1): “The applicant for an adoption order [i.e. adoptive parents] may request the court to change the child’s given names or family name” 42(1): “If the identity of a prospective adoptive parent is not known to a parent or other guardian of a child, the identity of the prospective adoptive parent must not be disclosed” 80: “a director may (a) provide financial assistance or other assistance to a person who (i) proposes to adopt or who adopts a child place for adoption by a director”
Court and Director’s Authority	4(2): “A director may...place a child for adoption with the person or persons selected by the director of child protection” 13(3): “If the child is in the continuing custody of a director...the only consents required are (a) the director’s...and (b) the child’s consent” 22(2): “a consent to the child’s adoption may only be revoked by the court” 34: “The court may require a director to inquire into any matter respecting an application for an adoption order that the court considers to be necessary” 36(3): “A child’s consent to a change of name is not required if the court has dispensed with the child’s consent to adoption” 38(1): “When an adoption order is made, any order or agreement for contact with the child or access to the child terminates unless the court orders otherwise”

	43: "Any document filed in court in connection with the [adoption] application may be searched...(a) by order or the court, or (b) at the request of a director" 62(3): "The director may dispense with any consent required" 70.1: "A director may collect from a person any information that is necessary to enable the director to exercise his or her powers or perform his or her duties or functions" 77(1): "A director may delegate to any person or class of person any of the director's powers, duties, or functions under this [Adoptions] Act" 78(1): "A person authorized by the Provincial director may...(a) enter any premises of an adoption agency and inspect the records and interview its staff, (b) request records to be produced for inspection, (c)...remove any record from the premises to make copies" 79: "No person is personally liable for anything done or omitted in good faith in the exercise or performance of...(a) a power, duty or function conferred under this [Adoptions] Act"

4.3 Norway's Adopsjonsloven

Category	Illustrative Text
Best Interests of the Child	§2: "An adoption order must only be issued when it can be assumed that the adoption will be in the best interests of the child" The Adopsjonsloven makes specific reference to the *Barnevernloven [Child Welfare Act] §4-20* regarding child's best interest: § 4-20: "Consent [for adoption] may be given [by the county social welfare board] if...(b) adoption would be in the child's best interest" § 4-20a: "If limited contact visits after adoption...are in the child's best interest, the country social welfare board shall make an order for such contact"

Child's Perspective	§6: "A child who has reached 7 years of age, and younger children who are capable of forming their own opinions, shall be informed and given an opportunity to express their view before a decision is made as to whether an adoption order is to be issued" §6: "The opinion of the child is to be given due weight in accordance with the age and maturity of the child" §6: "A child who has reached 12 years of age may not be adopted without his or her consent" *Child Welfare Act* §4-20: "An order regarding contact visits may only be reviewed if special reasons justify doing so. Special reasons may include the child's opposition to contact" §12: "Adoptive parents shall, as soon as advisable, tell the adopted child that he or she is adopted" §12: "When the child has reached 18 years of age, he or she is entitled to be informed by the Ministry of the identity of his or her biological parents" §13: "on adoption, the adopted child...shall have the same legal status as if the adopted child had been the adoptive parents' biological child" §14: "A special provision may be made in the adoption order regarding the religious upbringing of the adopted child"
Continuity of Care	§2: "It is...required that the person applying for an adoption either wishes to foster or has fostered the child" *Child Welfare Act* §4-20: "Consent [for adoption] may be given [by the country social welfare board] if (a)...the child has become so attached to persons and environment where he or she is living that...removing the child may lead to serious problems for him or her and...(c) the adoption applicants have been the child's foster parents and have shown themselves fit to bring up the child as their own"
Maintenance of Pre-Adoptive Relationships	§14a: "[Visiting access between the child and his or her biological parents...] are subject to any limitations that may have been imposed by a decision pursuant to §4-20 of the Child Welfare Act"

	Child Welfare Act §4-20a: "the county social welfare board...consider[s] whether there shall be contact visits between the child and his or her biological parents....if either of the parties has requested it"
Requirements of Potential Adoptive Parents	§3: "An adoption order may only be issued to a person who has reached 25 years of age. However...the Ministry may issue an order to a person who has reached 20 years of age" §3a: "the Ministry shall require the presentation of an exhaustive criminal record certification [*vandelsattest*]" §4: "a person who has been declared incapable of managing his or her own affairs may only adopt with the consent of his or her guardian" §5: "a person who is married or is a cohabitant may only adopt jointly with his or her spouse or cohabitant....persons other than spouses or cohabitants may not jointly adopt" §16e: "The Ministry may make regulations prescribing...requirements regarding the suitability of the applicants, including requirements regarding age, health, good conduct, the length of the applicants' relationship, finances, housing and participation in courses to prepare for adoption." §16e: "The Ministry may also make regulations prescribing special requirements for single applicants."
Birth Parents' Rights	§7: "A person under 18 years of age may not be adopted without the consent of the person or persons who have parental responsibility [i.e. a birth parent or guardian]" §7: "If both persons are missing, insane, or mentally retarded, the consent of the guardian is required" §7: "The parents may not give their consent until two months after the birth of the child" §7: "A father or mother who does not share parental responsibility shall, as far as possible, be given the opportunity to express an opinion before a decision is made" §8: "A person who has been declared incapable of managing his or her own affairs may not be adopted without the consent of his or her guardian"

	§11: "Section 18...of the *Public Administration Act* shall not preclude the parties in an adoption case from remaining unknown to one another (anonymous adoption)"
Ministry's Authority	§1: "Adoption shall take place subject to an adoption order made by the Ministry" §10: "The issue of the validity of an adoption order may not be the subject of a preliminary ruling in a case concerning another issue" §13: "On adoption....the child's legal relationship to his or her original family shall cease" §16: "Note of an adoption order shall be made under the name of the adopted child in the national population register and in any other such public records as the Ministry may decide" *Child Welfare Act* §4-20: "The county social welfare board may also decide that the parents shall be deprived of all parental responsibility" "When an order has been made depriving the parents of parental responsibility, the county social welfare board may give its consent for a child to be adopted" §4-20a: "When the county social welfare board issues an adoption order...it shall at the same time consider whether there shall be contact visits between the child and his or her biological parents after the adoption has been carried out"
King's Authority	§1: "The King may prescribe regulations to the effect that the public law provisions of the Act shall be made applicable to Svalbard [Norwegian archipelago]" §9: "The King may, with retroactive effect, approve an adoption order that was issued despite non-fulfillment of the conditions laid down in this Act" §23: "The King may by regulations authorize departures from the provisions of §§17-22 [regarding foreign state adoptions] if this is necessary in order to fulfill Norway's obligations pursuant to an agreement with a foreign state"

Chapter 5:
Discussion

5.1 Introduction

In this final chapter I explore my findings, looking at each category on its own. I discuss how the category is depicted in British Columbia's Adoption Act and Norway's Adopsjonsloven, highlighting the similarities in the policies as well as the differences. During this process I discovered, in a grounded sense, the assumptions that the policymakers appear to have had in mind when they compiled the respective acts in each country. In that regard, my categories can be seen as a compressed form of my understanding of the policymakers' intentions. In other words, the categorization system that I developed, through a grounded approach, is my theory as to what the text says.

Furthermore, I have used existing theory, as appropriate, to help me analyze my findings in a rigorous manner and allow a more in-depth understanding of the data collected. With regards to the principles of permanency and biology, I found Bowlby and Ainsworth's concepts attachment theory to be of benefit during my analysis. This theory is discernable and relevant to many of categories, as will be discussed. Additionally, I found the following existing theories to be useful: Weber's theory of legitimate authority, Dworkin's concept of paternalism, Erikson's stages of human development, Hart's ladder of participation, and the aboriginal Medicine Wheel. I will explore each of these theoretical ideas in this chapter.

Returning to the rationale for my research, my goal was to determine what the policymakers are saying through the Adoption Act and the Adopsjonsloven. Policymakers' intentions may or may not influence practice on the ground. However, this is an issue that cannot be sufficiently determined by document analysis. For all that, it seems reasonable to assume that the provincial and national policies, particularly if all or so aspects of its contents are binding on social work professionals, have some 'effects'. Through my discussion of each category, some of these potential 'effects' came to my mind. As I cannot suggest causation, I address these 'effects' as personal questions and reflections. I invite the reader, as well, to reflect upon these ideas. I begin with *Best Interests of the Child*.

5.2 Best Interests of the Child

This phrase has become almost synonymous with good practice in the field of social work in Norway and BC. It seems that one can only say that social workers are in good faith doing the best work they can if at the heart of it is the *best interests of the child*. As I discussed in my literature review, not only is the phrase a key principle in child protection practice, it is a significant Article in the 1989 United Nations Convention on the Rights of the Child [UNCRC]. As a reminder, the literature states that both BC and Norway appear committed to implementing this philosophy in their practice. Both governing bodies do struggle though with defining the *best interests* and implementing it as a common standard across the province or country. That said, both BC and Norway and make specific reference to the *best interests of the child* in their respective government policies.

It is evident that the Adoption Act and the Adopsjonsloven were written specifically for the *child*. An indication of this is the number of times the word *child*

actually appears in the policies. At 344 times, *child* is one of the most frequently used words in BC's Adoption Act. The majority of sections in the policy make specific reference to the needs, rights, or *best interests* of the child. Similarly, in regards to the language, the child appears to be at the center of Norway's Adopsjonsloven. The word "*barn*", which translated means *child*, is used 54 times and appears in almost all of the 23 sections. In terms of numbers by the percentage, these policies are remarkably similar. In BC's policy, *child* makes up approximately 2.6% of the total word count while in Norway's policy the word *barn* is seen in 2.8% of the total. Additionally, the exact phrase *best interests of the child* can be found 14 times in the Adoption Act and twice in the Adopsjonsloven. Given the frequency of the word child, it is evident, at least linguistically speaking, that the child is at the heart of both policies.

After determining the prevalence of the word, I wondered how each policy describes *best interests*. As I previously noted, a standard definition of the concept is challenging to come by mainly because what is best for one child may not be best for another. Nevertheless, it struck me as important to find out how the policymakers in the two respective settings understood the phrase.

In the Adoption Act, it is stated in Section 2, directly under the glossary, that this Act must give "paramount consideration in every respect to the child's best interest". Policymakers in Section 2 also refer to the suggested relevant factors that must be considered when determining what this concept means and how to ensure that it is upheld. There are eight factors described, but each of these are left rather broad, enabling the professional to take multiple things into consideration when determining plans of action for the child. From this, I initially noted that the Adoption Act is making a strong effort to address the UNCRC's Article 3.

Similarly, the Norwegian Adopsjonsloven demands, also in §2, that "an adoption order must only be issued when it can be assumed that the adoption will be in the best interests of the child". It is my understanding that the word *assumed* in this context is not used flippantly and that the Norwegian government has a significantly high threshold for what can be *assumed*. In this case, I believe Norwegian professionals in the social work field must be assured or guaranteed that adoption is in the best interests of the child before they move forward. The Adopsjonsloven makes specific reference throughout to the *Barnevernloven [Child Welfare Act]* §4-20, which also states that consent for adoption may be given by the state if in the best interests of the child.

What the Adopsjonsloven does not do is describe in any way what the *best interests* may look like and how they may be determined. The policy states that they should be a high priority but does not suggest ways to assess this. Returning to my literature review, which described Norway as a social democratic state, I am reminded that there are high levels of trust between the government and the individual. I question if the lack of detail describing this concept might be because the state trusts individual professionals, believing in their ability to assess what is and what is not in a child's best interest without following a prescribed formula.

With that, both policies appear to prompt professionals in the social work field to uphold the best interests philosophy in a positive manner. BC advances this idea by providing details on what the concept looks like in practice; Norway only mandates that it must be upheld, allowing professionals the freedom to determine what it looks like on their own.

Upon further investigation, I came across something of interest in BC's Adoption Act. Through my analysis, I was reminded of Lansdown's (1995) warning

of the potential paternalistic mindset behind the focus on the best interests of the child. The philosopher Ronald Dworkin (2002) defined paternalism as occurring when a decision is made by someone other than the individual, on the pretense that the "person affected would be better off, or would be less harmed, as a result of the rule, policy, etc." (p. 1). A key point to be made is that the person affected would rather not be treated in the way that they are. Dworkin (2002) describes legitimate powers of the state, as well as hard/soft, narrow/broad and weak/strong paternalism. Ultimately he questions when it is acceptable for the state to carry out potentially paternalistic actions if those actions benefit the people (Dworkin, 2002). While not discussed in this context by Dworkin, the theoretical idea of paternalism can be linked back to *best interests of the child* in the process of adoption.

According to BC's policy, while the best interests of the child should be given paramount consideration, there are many things the court, meaning the Supreme Court of British Columbia, is given the power to do in the name of *the best interests*. If it is deemed best for the child, the court may 11(1)(a): "dispense with notice of a proposed adoption"; 17(1): "dispense with consent required"; 22(4): "revoke the consent"; 35(1): "make an adoption order"; 38(2)(a): "order that an order…respecting contact…[does or] does not terminate"; and 61: "disclose any identifying information". While the child is supposedly at the center of this policy, it seems evident that the court may step in throughout the adoption process and make decisions that they determine as best for the child. Could some of these decisions be perceived as paternalistic in nature? Based on my analysis, I found that the risk of overprotective behaviour, with the court making autonomous decisions *for* the child, appears relatively high in BC's Adoption Act.

At this point, I was reminded of German philosopher, Max Weber's, theory on legitimate authority. In the 1978 text *Economy and Society*, Weber made the distinction between power and authority. He defined authority, sometimes called domination, as "the probability that certain specific commands...will be obeyed by a given group of people" (Weber, 1978, p. 212). In cases of *legitimate* authority, the given group of people who obey the commands will do so with a certain degree of voluntariness because the commands provided are, at the time, the best alternative (Weber, 1978; Szelenyi, 2016; Guzmán, 2015).

One of the three ideal types of legitimate authority, and the most relevant to my research, is the rational-legal authority. In this case, compliance with governmentally pre-established laws and rules are at the forefront, rather than obedience to one individual (Szelenyi, 2015; Weber, 1978). The people allow the government to implement commands because they trust in the authority of the said government. There is also a layer of staff, who are employed by the governing body, who are similarly subjected to the same rules, and who, one generally assumes, will act in accordance with the commands outlined (Weber, 1978; Szelenyi, 2015).

The policymakers of BC's Adoption Act have been given legitimate authority by the people. There are staff, typically social workers, who believe in the validity of the policymakers' actions. There are also people, the children, birth parents, foster parents, and adoptive parents, who are willing to comply because, according to Weber's theory, they believe this is the best alternative. This is not to say that there are not varying degrees of opposition to the policy within both the staff and those involved in the adoption process. As this policy has been in place in BC since 1996 though, I make the assumption that the Adoption Act is relatively positively accepted. So while some of the BC court's actions could be considered as paternalistic, at the same time they are granted legitimate authority to make these decisions.

As far as Norway is concerned, the compact Adopsjonsloven does not include to such a high degree the potentially controlling nature of the court specifically regarding the child's *best interest*. The Barnevernloven §4-20, which again is directly quoted in the Adopsjonsloven, hints at the court's authority in determining the child's best interests by stating that "if limited contact visits after adoption...are in the child's best interest, the county social welfare board shall make an order for such contact". That said, no further relevant statements are made. In contrast, BC has put in writing the many ways the court may determine what is and is not best for the child, giving them legitimate authority to potentially act in paternalistic ways. This idea is discussed again in further sections.

The category of *best interests*, evident in both policies, needs careful consideration. In BC's Adoption Act, the factors in determining the best interests use phrases like 'continuity', 'secure', and 'member of a family'. In keeping with this, as my literature review shows, the common opinion in the province is that permanency through adoption is the best option. The courts agree with this. As the above analysis of the policy shows, the court and Ministry are also the ones who often make that final determination regarding the supposed best plan for a child. If the voices of the powerful people in the province propose adoption, how may this influence adoption practice? This is a question to ponder.

I often find myself using aspects of feminist theories to understand current situations. For example, if the dominant discourse suggests that society is better off when women are involved in the labour market, it can be assumed that more women will find employment. This appears to be the case in Scandinavian and other countries in the 'Western world'. Likewise, if the dominant discourse suggests that adoption is the best option for a child living in foster care, as BC policymakers seem to agree on, will this have an impact on the number of adoptions that take place?

Norway's Adopsjonsloven does not give any indication as to whether or not the act of adoption is in the best interests of the child. The policymakers leave this determination solely up to the social work professional. If the professional is socialized in the Norwegian context, where adoption is not prioritized, I question whether adoption will immediately be looked at as the best alternative.

In summary, both the Adoption Act and the Adopsjonsloven leave room for reader interpretation, this leeway being larger in Norway than in BC. The policies allow those professionals in the process of assessing the best interests to fall back on what is most commonly accepted in their respective contexts. The concept of *Best Interests of the Child* continues to be difficult to define and standardize but I invite reflection upon how this category may promote adoption some times while at other times suggesting different options.

5.3 Continuity of Care

Continuity of Care is a second thematic category in the policies. In British Columbia, the overriding purpose of the Adoption Act, as stated in the second section, is to "provide for new and permanent family ties through adoption". Adoption is not considered the only course of action in BC, as kinship care and family reunification are also supported. But as I have stated previously, when it has been determined that a child will not return to their birth parents, adoption does become the central focus and this Act mandates the process.

The stated aim of the Adoption Act uses the phrase *new ties*. In practice, *new ties* do not limit relatives from adopting their kin or foster parents adopting their foster

child. The policymakers could be suggesting that while the players involved already know each other, their relationship as adoptee and adopter is *new*. I question the policymakers' use of this word though. To me, *new* is defined as something that has not been seen or did not exist before; it is a recent discovery or introduction. I imagine that most native English speakers would have similar ideas when asked to define the word. The use of *new family ties* in the first provision of the Adoption Act suggests that this relationship was unknown to both the child and the adoptive parents prior to the adoption.

Typically in practice when a child is placed on the adoption list, the first thing BC social workers do is to contact the child's extended biological family as well as their current foster family to determine if adoption is feasible. A foster parent or biological family member wishing to adopt is seen as quite a positive thing. But the policy does not seem to leave room for *previous* family ties, *rekindled* ties or *already established* relational ties; emphasis is on *new* family ties. At this point, I do not know why the policymakers in BC chose to use a word with a commonly accepted definition that seems to contradict *continuity of care*. I found it interesting.

The use of the word *permanent* in Section 2 of the Adoption Act is not surprising though, as much of my prior research suggests BC's strong motivation towards achieving stability and permanency for a child. This aim is reiterated in section 3(1)(c) where it is stated that "the importance of continuity in the child's care" is a relevant factor in determining the child's best interest. While the concept of permanency is not directly stated again in the policy after that, from the first two sections it is apparent that this Act upholds the value of stable and continuing care in a child's life.

The Adoption Act suggests a concrete way in which continuity of care is to be achieved. Section 35(1) states that "the court may make an adoption order if it is satisfied that...(a) the child has resided with the applicant for at least 6 months immediately before the date of the adoption hearing". To me, this means that if a child living in foster care in BC is to be adopted, they must reside with their potential adoptive parents for at least 6 months before the order can be made in court. This would give both the child and adoptive family time to adjust to one another, help to create attachment and to promote continuity of care. It also allows the Ministry the time to ensure that this adoption is in the best interests of the child.

This provision has a clear link to attachment theory, albeit not necessarily Bowlby (1988) and Ainsworth's (1978) understanding of it. While the two researchers suggested that attachment, if it occurs, forms at birth, this section mandates that all soon-to-be-adopted children have the time to form attachments, regardless of their age. This provision promotes the value of creating relational ties. It also allots a significant amount of time to helping to ensure that the child has or is in the process of developing that deep bond and secure base with their caregiver. As I discussed in Chapter 3, there is a link between attachment theory and the principle of permanency and this section of the Adoption Act utilizes and encourages that link.

For all that, two paragraphs below, the Act states that, "the court may alter or dispense with the residency requirement" (Section 35(3)). This statement seems to negate the focus on continuity of care. On paper, if the court, which is influenced by the Ministry, sees fit, this time that was given to develop attachment and a secure base, can be waived. In my experience in the Permanency Planning program, this 6-month residency requirement was seen as best practice. However, more often than not, adoption was pursued without meeting this standard. It is my understanding that Ministry social workers are to remain involved with the adoptive family for up to 6

months after the initial move takes place. As this was not my area of work experience, I cannot confirm whether or not this practice was upheld. I imagine there are legal reasons as well as time constraints that would prompt the policymakers to add in this provision that allows the court to dispense with the residency requirement. My thinking though is if permanency, continuity of care and attachment are so highly regarded, why is it possible to overlook them?

In contrast, in Norway's Adopsjonsloven, §2 states simply that it is "required that the person applying for an adoption either wishes to foster or has fostered the child". There is no mention of the court or Ministry's power to override this stipulation. This resonates with attachment theory and the development of a secure base. According to social workers and pedagogues in the field with whom I spoke, all of the children adopted from foster care in Norway were adopted by their foster parents. This means, hopefully, that attachment already exists between child and caregiver and the secure base that is so important in a child's life has already been established. In BC, foster care is seen as strictly temporary. When a child is adopted, they are often uprooted from the foster home, regardless of the amount of time spent there, and moved to their *new* adoptive home. This is not the case in Norwegian practice nor in their policy.

The Barnevernloven §4-20 echoes the provisions in the Adopsjonsloven by stating that "consent [for adoption] may be given if, (a)...the child has become so attached to persons and environment where he or she is living that...removing the child may lead to serious problems for him or her". This same section goes on to say that an adoption can occur if "the adoptive applicants have been the child's foster parents and have shown themselves fit to bring up the child as their own" (Barnevernloven §4-20(c)). Here attachment and continuity of care are referenced and safeguarded.

In summary, both policies appear to be aware of the value of permanency and attachment for the child and willing to make provisions specifically directed at meeting this need. However, BC's Adoption Act allows the courts to attenuate continuity of care when they see fit while Norway's Adopsjonsloven does not, in writing, permit this. To me, having a rule that can be justifiably waived is not nearly as influential as having one that cannot be. It seems that Norwegian policymakers did not see any reason to dispense with the provision for continuity of care, hence why one might write it in a policy in the first place.

I turn now to reflections on the *continuity of care* and the prevalence of adoptions. Again, both the Adoption Act and the Adopsjonsloven appear to support permanency and attachment in a child's life. If this were all that was stated in the policies, I may cautiously suggest that the policymakers practice from similar philosophies. But the policymakers say more. My analysis suggests that the most important difference regarding continuity of care between the two documents is the value placed on foster families. BC's Adoption Act does not specifically mention foster parents. The purpose of the act is for *new* ties, which does not relate to foster parents as permanent caregivers, as they presumably already have ties with the child. Additionally, Section 35, which addresses the residency requirement, omits mention that the applicants for adoption could actually be the foster parents. Prior to my analysis, I believed the concept of foster care in British Columbia was highly valued. This policy does not appear to do so.

In contrast, the Adopsjonsloven does to some degree appear to value foster care as well as the abilities of foster parents to develop attachment and psychological bonds with the child. Relating to Bush & Goldman's theory of psychological

parenting, foster parents in Norway seem to be encouraged as such. My thinking is as follows: if foster parents are valued in Norway and seen as capable of providing long term, permanent, attachment-based care for children, why is adoption necessary?

These varying values may be linked to BC and Norway's respective ways of practicing child protection. In BC's protection system, the focus is on risk assessment. BC policymakers are not willing to take the risk that a child may not attach to their foster family, that instability may ensue, that the foster parents will cut all relational ties after the child turns 19, and that the birth parents may try to interfere with care of the child if permanent measures are not taken. There is risk involved in foster care that cannot be accepted in the BC context.

In my experience, many of these risks are actually realistic, specifically the cutting of ties at the age of 19. Typically foster parents in BC care for many different children over the years. When a child turns 19 years old, the foster family stops receiving support from MCFD to provide care. The foster child, who was not given the same rights as the biological child, has now 'aged out of care' and essentially is left to fend for him or herself as a legal adult. While the foster families care about the child, now adult, they usually have other children already in the home who are still young and in need of attention. The way the BC foster system is set up, parents typically cannot provide the care for a child as they develop through adulthood the way a biological family would. For this reason, adoption is seen as necessary in BC. Children deserve and require lifelong attachments; the foster care system, with its focus on temporary care, is not designed to provide this.

In stark contrast, Norway seems to value foster parents as lifelong caregivers. This is seen in the Adopsjonsloven. Following a family service model, Norwegian policy supports foster families as they would the biological family to care for a child until adulthood *and* beyond. Norwegian foster families typically see their role as a parent to a child, rather than a temporary caregiver. Given this, if the end result is to raise a happy, well-developed child and foster care in Norway can provide this sense of attachment, as well as a permanent secure base, what would be the rationale for adoption?

To summarize, in BC, adoption is about continuity of care; in Norway this same thing is provided through foster care. I wonder if this understanding has important implications for adoption numbers in each context. Adoption in BC is necessary if a child is to be guaranteed lifelong care and support so I am curious if this has an impact on the prevalence of adoption practices. In Norway, foster care can and does provide the same attachment and permanent support. I am interested in whether this perspective renders the concept of adoption much less vital. Again, these are questions to ponder and reflect upon.

5.4 Maintenance of Pre-Adoptive Relationships

A third category in the text is the *Maintenance of Pre-Adoptive Relationships*. I understand this to mean the maintenance of relationships between the child and either their biological family or other people with whom the child has emotional attachment to before adoption occurred. Both policies make specific reference to the fact that contact can be preserved post-adoption. While adoption legally removes all parental rights and responsibilities from the biological family, the policies state that contact visits are possible if either party requests it and it appears to be in the best interests of the child (Adoption Act, Section 3(1), Section 38(2); Adopsjonsloven, §14a; Barnevernloven, §4-20a as cited in Adopsjonsloven §14a).

BC's Adoption Act specifically says in Section 59(1) that these openness agreements between the child and "any other person who has established a [pre-adoption] relationship with the child" can be made for the "purpose of facilitating communication and maintaining relationships". In keeping with its compact nature, Norway's Adopsjonsloven makes one direct statement that contact may be allowed and the Ministry may help facilitate this. The attempt by both policies to allow for the maintenance of relationships that were present before adoption occurred is in keeping with the biological principle and attachment theory.

BC's policy, not surprisingly due to its length and detail, adds additional stipulations regarding maintenance of relationships. First, the Adoption Act mandates that all potential adoptive parents must be residents of British Columbia. While there may be a plethora of legal reasons requiring their provincial residency, I also question whether this regulation is related to the maintenance of pre-adoption attachments. It is possible that the province requires adoptive parents to live within a relatively short distance to ensure that the child has the opportunity to maintain contact with the family, friends, culture and environment they knew before. If my hunch is correct, this again recognizes the value of biological relationships and the importance of not severing existing attachments for a child. This thought is arguably flawed as after adoption occurs the adoptive parents become the child's legal guardians and are free to move or travel to any destination without informing the courts. But the policy still may be considering the original relational ties prior to and during the adoption process.

The Adoption Act also specifies ways in which an adult, who was adopted as a child, can re-establish biological relationships. Section 63(1) states that "an adopted person 19 years of age or over may apply...for the following: (a)...an original birth certificate...(b) adoption order...(c)...a notice...provided by the treaty first nation under section 12.1 of the Vital Statistics Act". These are all identifying documents that offer information allowing the adopted individual access to their pre-adoption relationships. Section 69(2) states that "if an adopted person 19 years of age or over and a relative of the adopted person have both registered [with the Provincial director to exchange identifying information], the Provincial director must notify each of them and disclose the identifying information provided by the other". Additionally, section 71 insists that the Provincial director must assist adult individuals in locating and contacting one another, if permitted by the individuals themselves. These directly stated regulations ensure that once an adopted child has reached adulthood, the decision is theirs if they choose to reconnect with their pre-adoption family.

I am reminded here of theories of self-identity as well as identity formation (Horowitz, 2012; Erikson, 1959). German developmental psychologist Erik Erikson revolutionized the way in which children and adolescents were viewed by describing his eight stages of development in 1959. In each unique stage, a person's identity forms and evolves. When a child is adopted, this experience can have a significant impact on their identity formation. The adoption may influence, in different ways, who the child is, dependent upon the stage they are in. I see the maintenance of pre-adoptive ties, or ensuring that contact information is available for the child to reconnect with their biological family, as a way to help preserve the child's identity. Having this information available means that the child can know where they came from and their history; they can understand their own development and how this might influence their self-identity.

Turning back to Norway, the Adopsjonsloven makes one additional statement related to the maintenance of relationships. §12 of the Norwegian policy stipulates

that when a child has reached 18 years of age, which by definition is an adult, he or she is "entitled to be informed by the Ministry of the identity of his or her biological parents." This mandatory sharing of information may be construed as a way to ensure that an adopted child, now adult, knows their birth family and has identifying information as to how to contact them. Interestingly, there is a lack of mention of 'no-contact orders' in Norway's policy. Such orders do not appear to be supported, encouraged, regulated or facilitated by the Adopsjonsloven, which would also be in keeping with maintaining biological or pre-adoptive attachments.

Overall though, I found an absence of explicit reference to the biological principle in the Adopsjonsloven. After scrutinizing the considerable emphasis placed on genetic ties in my literature review, it is interesting that I found little focus on it in this policy. I was reminded that my Chapter 1 literature review claims specifically that the biological family is prioritized in Norwegian policy. While it may be evident in other policies, I did not find this to be the case in the Adopsjonsloven. There are references to the principle throughout, such as in the lack of no-contact orders and the voice given to birth parents to share their opinions. But ultimately I did not find the direct phrases such as 'biological family is important' or 'contact should be maintained'.

This leads me to wonder how much context might influence the reading of a policy. I question whether Norwegian professionals find the biological principle in these policies because they share some lived experiences and settings with the policymakers and in a way they expect to see it. I am also curious whether the policymakers intended specific provisions to uphold the biological principle yet I interpreted these differently. What does this mean for practice if professionals make the claim that a principle is embedded in a policy because they expect it to be there when it, in fact, is not quite as clear to other readers? These are future research questions that I would be interested in exploring.

In summary, I found that maintenance of relationships is a theme discussed in both policies. However, only the Adoption Act gave direct examples as to how the province of BC envisions this happening (i.e. specifically who can apply for contact, when they can do so, and how the Ministry can facilitate this). I question if this theme may be a result of current practices in the respective contexts. In BC, with its focus on risk assessment, it is assumed that contact will not be maintained after an adoption has taken place. For this reason, provisions in the Adoption Act may exist to protect those who want contact.

Similarly thinking, Norwegian policy states that contact will be cut upon adoption as well. But as adoption rarely occurs in Norway, relational ties are rarely severed, therefore negating the need for stipulations regarding contact. This could also be a reason for the lack of explicit reference to the biological principle. Maintenance of family ties is inherently protected in Norway with its social history of preserving families, therefore provisions may be deemed unnecessary. Again this is personal speculation.

5.5 Family Membership

The fourth category, labeled *Family Membership*, is relevant to BC's Adoption Act but not overly present in the Adopsjonsloven. The Norwegian policy has one provision, regulating that "on adoption, the adopted child...shall have the same legal status as if the adopted child had been the adoptive parents' biological child" (§13). This implies that upon adoption the child becomes a member of the

adoptive parents' family and vice versa. In the BC policy though, this sentiment is stated explicitly. Section 37(1) says that "when an adoption order is made, (a) the child becomes the child of the adoptive parents [and] (b) the adoptive parent becomes the parent becomes the parent of the child".

While essentially, these policies give the same message, I find that the BC model places more emphasis on family relationships. By emphasizing the legal status, I think the Adopsjonsloven somewhat limits the relational aspect of being a member of a family. The Norwegian provision says that this child now has all legal rights he or she is entitled to, but membership means more than that. Membership in a family, to me, means feeling like one belongs and has the security of permanent relationships. It also allows a child to act while knowing they will still be loved, cared for and supported.

As I have previously discussed, this kind of stability and attachment is particularly important for children who have experienced the intense process of adoption. They need to know that in their home environment they can 'be themselves' and make mistakes without the threat of losing their family. I find by using the words *parent* and *child* rather than *legal status*, the BC policy promotes the idea that, upon adoption, the child hopefully also receives the love, affection and care that comes with being a member of a family.

Section 3(1)(d) of the Adoption Act further suggests that the BC policy is concerned with the emotional relationship a child has with their adoptive family. The section states that when considering a child's best interests, one must heed "the importance to the child's development of having a positive relationship with a parent and a secure place as a member of a family". No such sentiment is discernible in Norway's Adopsjonsloven.

I can only hypothesize that the policymakers' intentions are as follows: a clear focus on family membership is evident in BC's policy, but not to the same extent, if at all, in Norway. With this in mind, I first considered the biological principle. While it is not overtly stated in the policy, according to my literature review Norwegian social work practice highly supports biological relationships. It is thought that the child has a family, their birth family, and with hope this bond will remain forever. Foster care and adoption offer exceedingly good care for a child but they do not necessarily need to replace the biological family in emotional attachment. As well institutions remain prominent in Norway, providing the necessary care for a child without attempting to diminish the attachment to biological relationships.

When a biological family fails to meet the needs of a child in Norway, the typical course of action is to find supports for that family. One type of support is foster care. Together the biological and foster families work to develop attachment and raise the child. Adoption is not seen as a necessary step. In contrast, adoption in BC means looking for a new 'forever family' for a child. Rather than a strong emphasis on supporting biological relationships, which could put the child at risk, a new family is likely to be found to raise a child who has been removed. Adoption in BC means the child will be a member of a family, even if that family is not biological.

Another speculation regarding the presence of family membership in BC's Adoption Act is once again related to how the child is viewed. While current trends are evolving, BC's risk assessment system still appears to view the child as *becoming* and very much in need of protection and direction. This child *becoming* needs a family, and one that promises permanent care. Foster homes do not provide this long-term stability and institutions in BC have long been seen as inadequate substitutions

for family support. A child needs to be a part of a family and adoption is the best solution to provide this.

In contrast, a child in Norway is a *being* who already has a family. This child still needs to be nurtured and protected but this care should not replace the membership the child has with their biological family. The child *being* has agency and life experiences and they play a significant role in their birth family; this role should not be devalued.

Finally, a third contemplation I have, regarding the theme of family membership, is related to cultural norms. Scandinavian countries are sometimes perceived as somewhat 'colder' or 'less affectionate'. While I do not concur with ideas that cast behaviours or ideas onto an entire group of people, I acknowledge that labels exist. Media depictions often present Norway as a kind but not strongly emotional nation. Even-temperedness seems to be a highly valued quality in Norwegian culture while open displays of affection, particularly in public settings, are somewhat frowned upon.

In my own experience, Canadians in general are more open with their emotions and will share their feelings through words, facial expressions and body language. Therefore it is interesting to find BC's Adoption Act using language such as *positive relationship* and *secure member of a family*. Affection, of any kind but particularly between a parent and a child, is highly valued in BC and is often celebrated when seen in public. This is not to say that parent/child affection is discouraged or unappreciated in Norway, but rather that it is not emphatically expressed in the Adopsjonsloven. I believe the focus on family membership in BC's Adoption Act, albeit limited, demonstrates the emphasis policymakers in the province place on a child having a family, any family, who provides care, love and security.

5.6 Child's Perspective

In my literature review, I spent considerable time discussing the ways in which a child can be viewed as a *being* or as a *becoming*. I touched briefly on this in previous sections as well. To recall, Lee (2001) suggested that children can be seen as individual *beings* with personal agency, or as *becomings* who will eventually have the skills and ability to speak for themselves. In my literature review I also looked specifically at how a child is defined and treated in a Norwegian and British Columbian context. Through my analysis, the policies appear to reiterate the general feelings towards children evident in their respective cultures.

Both policies overtly state their support of Article 12 of the UNCRC (1989), respecting and promoting the child's views throughout the adoption process. Section 3(1)(d) of the BC Adoption Act states that "the child's views" must be considered when deciding whether or not adoption is in the best interests of the child. Section 6(1)(i) mandates that a child be counseled about the effects of adoption prior to placement. Similarly, §6 of the Norwegian Adopsjonsloven states that "the opinion of the child is to be given due weight in accordance with the age and maturity of the child". Upon initial analysis, both policies appear committed to ensuring the child has a voice before and during the adoption process.

Additionally, both texts define somewhat precise ages in which the child's views are to be considered. Interestingly, the policies appear to say similar things, but upon closer inspection I found concrete differences. I believe these distinctions could be related to how each society understands their children. In BC, the Adoption Act states in 13(1)(a) that if the child is 12 years or older, their consent is required for an

adoption. The policy also says that a child of the same age must be "informed about the right to consent" (6(1)) and that they "may revoke consent to adoption at any time before the adoption order is made" (20). In section 30(1) of the same Act, it suggests that children as young as 7 years old should also at least be consulted with and their views on the proposed adoption should be considered. This section and section 36(2) declare that a child over the age of 7 should have their opinion heard specifically in regards to the change of their given or family names. In short, the Adoption Act instructs its users, most often social work professionals, to consider the views of a child 7 years or older and to obtain consent from a child 12 years or older before an adoption order is pursued.

In a similar spirit, §6 of the Adopsjonsloven states that "a child who has reached 7 years of age, and younger children who are capable of forming their own opinions, shall be informed and given an opportunity to express their view before a decision is made as to whether an adoption order is issued". This same section also prohibits children who are over the age of 12 to be adopted without their consent.

Another similarity between the documents is the provision that the child's views should be considered when determining whether or not to implement openness or contact orders post adoption (Adoption Act, 59(3); Barnevernloven §4-20 as cited in Adopsjonsloven §14a). Essentially, the child has significant power, according to the policies, as to whether or not they want to maintain contact with their biological families. Thus far, the only discernible difference between the two texts is that Norwegian policy writers mandate professionals to address the opinions of children 7 years old and possibly younger, whereas BC policy makers only suggest it.

Upon a closer reading though, I found something of interest in the BC policy. While a child appears to have rights to be heard, to give or refuse consent, and to apply for disclosure vetoes and no-contact orders or conversely request openness, much of this power is conditionally. Specifically the condition is whether or not the Ministry and court support the child's opinions. According to numerous statements in the Adoption Act, the court may dispense of any consent required throughout the adoption process (22(2); 36(3); 62(3)). This includes the consent of a child 12 years or older to adoption and the consent of any child to a name change. So while the child has a right to have their views heard and considered, the court and Ministry have a higher authority to supersede the child's perspective in what looks to be all matters.

This finding recalls both Dworkin's concept of paternalism as well as how the literature portrays the view of the child in BC. Tang (2003) cautioned that BC policy and practice often view the child's capacity and perspective as less reliable than their adult counterparts. The Adoption Act seems inclined to prioritize the child's views insofar as they remain in line with the views of the court. When the views differ, it seems that the court and Ministry believe it is their responsibility to step in. They revert to seeing the child as a *becoming*, needing support to make the *right* decisions.

In comparison, Norway's Adopsjonsloven again mandates that a child 7 years or older must be heard and a child over the age or 12 cannot be adopted without their consent. There are no caveats presented after or conditions where the courts can step in and remove this consent if they see fit. The child must be heard. This is in keeping with how Norway as a society views children, as *beings* with individual capacity and agency.

Additionally, the Norwegian text mandates in §12 that "adoptive parents shall, as soon as advisable, tell the adopted child that he or she is adopted". Sharing what many could consider to be complex and 'heavy' information with a child shows the high regard Norwegian policymakers have for children. The fact that this statement is

written into the policy illustrates that the policy makers believe that children are capable of understanding and dealing appropriately with emotionally-intense information. In this case, there is no protecting or shielding a child from what some may call an 'adult truth' but rather there is trust in the abilities of the child.

My findings in both policies also resonate with the child-rights academic Roger Hart's *Ladder of Participation*. While there are few adequate child-centered theories, according to international child's rights sociologist Daniel Stoecklin (2013), there are models that depict participation. Hart's Ladder is a formidable example. Hart developed the Ladder in 1980 as a way to help "different professional groups and institutions to rethink how they work with young people" (Hart, 2008, p. 22). The original intent was to open a higher level of dialogue around children's rights, particularly their participatory rights. The Ladder has eight rungs, each depicting a different level of participatory involvement of children. While Hart (2008) himself has critically reflected upon his model, suggesting that it provides only a narrow range of ways in which children can participate, it is still a useful tool in discussions on the topic.

The steps of participation begin with manipulation, decoration and tokenism. Steps 1-3 describe ways in which children can be used as means to meet the ultimate objectives of adults. Steps 4 and 5, where children are 'assigned but informed' and 'consulted and informed', start to recognize that children have varying degrees of understanding. By informing the child, the adults involved are at the very least suggesting that the young person has a right to know what may be happening. Step 6 depicts circumstances when decisions are 'adult-initiated' but shared with children. Step 7 occurs when children initiate and direct decisions. And finally Step 8 describes decisions that are 'child-initiated' and shared with adults.

This final step has been criticized for allegedly suggesting that children should be in charge of all decisions in their life. Hart (2008) counteracts this by arguing that the child should not be in control of all decisions; rather "children's potential as citizens needs to be recognized to the fullest and, to that end, children ought to be able to participate at times at their highest possible level" (p. 24). By feeling comfortable to share their decisions with adults and confident that they will be heard and respected, Step 8 depicts the highest level of participation a child can have.

When I analyze BC's Adoption Act, findings emerge that indicate that children are to be informed and consulted about many of the decisions. These provisions realize the 5th rung of the Ladder. Some statements in this Act also reach the 6th rung where decisions are initiated by the adults but shared with children, for example consent and the changing of a name. That said, the policy does not allow for children to reach the 7th rung of child-led initiatives nor the final rung of child/adult equity. It is my impression that the Ministry and court still have the power to override all participatory rights. In comparison, Norway's Adopsjonsloven appears to offer a stronger voice to children, possibly reaching the 7th rung by encouraging children's opinions to be heard throughout the adoption process.

The matter of child participation is prominent in both the Adoption Act and the Adopsjonsloven. As discussed though, while this theme appeared common, the actual content differed. The Adoption Act, in keeping with BC's view on children, showed a willingness to consult and take into consideration a child's perspective. The policy still holds fast to the idea though that children may not know what is best for them. Therefore those who are deemed to have this capacity must intervene on the child's behalf. I question if this could influence the relatively high numbers of adoptions that take place in BC compared to Norway. While a child has a right to

have their opinion respected, it appears to be the philosophy of the BC policymakers that the child also must have a permanent adult in their life who can ensure that this opinion is safe and realistic. And this permanent adult may be achieved through adoption. The child *becoming* needs an adult who can essentially guide them towards *becoming* a positive-contributing member of society.

Insofar as Norwegian policymakers are concerned, it looks as though they grasp the capacity of the child. They allow not only for child perspectives to be heard but ultimately for their opinions to be essential in the decision making process. I wonder as to what degree a child's sentiments, such as "I feel attached to my foster home" or "I do not want to be adopted", are validated and carried through in a Norwegian context. If the child is allowed a part to play in the policy, I am curious if they are allotted this same role in practice. This is not to say that children in Norway do not want to be adopted; my research does not address this question. But in the policy, it seems that much more time and effort is granted to ensuring that the child's wants are solicited and respected. The central focus is not that the child *being* has an adult who can ensure the best decisions are made; rather the Adopsjonsloven prioritizes the principle that the child *being* has the right to a proportionate voice throughout.

5.7 Identity Preservation and Aboriginal Rights

Related to the same theme of understanding children's rights and perspective, this category addresses the preservation of a child's identity and culture. While it is a significant part of BC's Adoption Act, the issue is almost non-existent in Norway's Adopsjonsloven. This is the case even though Norway has its own aboriginal population, the Sami people. Short of one section in the Norwegian Act, which states that "a special provision may be made in the adoption order regarding the religious upbringing of the adopted child" (§14), the child's culture, ethnicity, or native language is not mentioned.

In contrast, identity preservation is of importance in BC. Section 3(1)(f) states that when determining the child's best interests, factors that should be considered include the "child's cultural, racial, linguistic and religious heritage". Additionally, the Act mandates that "before placing a child for adoption, a director or an adoption agency must…(c) obtain as much information as possible about the medical and social history of the child's biological family and preserve the information for the child" (Section 6(1)). After an adoption, a birth parent may also file "a brief summary of any available information about the medical and social history of the pre-adoption parents and their families" (Section 65(3)(b)).

These last provisions remind me of an important aspect of my professional experience creating Life Books for children prior to adoption. The Life Books are albums filled with pictures and documents depicting the child's life, family, and history before adoption. They hold a vast amount of information, including the birth parents' cultural and religious identity. They depict how the family celebrated holidays, special traditions unique to that family, and other pieces of the child's history that they may want to know in the future. The books also contain information and pictures about each foster family a child has lived with. Providing that there is no disclosure of information veto, the adoptive child is given this Life Book to keep as a reminder of their heritage. It is required that every child living in the care of the BC Ministry and waiting for adoption has a Life Book. It is encouraging to see Section 6(1) of the Adoption Act actually put into practice through these Life Books.

Returning to the policies, differences between the two settings regarding identity preservation could possibly be explained by the difference in each society's cultural history. For many years, Norway has been a homogenous society, sharing two main languages: Standard Norwegian and New Norwegian. Norwegians are overwhelmingly the ethnic majority in the country and Norwegian culture is the norm. Many young adult Norwegians I interact with can trace their lineage generations back to an island close by or a town not far from where they are residing today. The same thing cannot be said for Canada as a whole and British Columbia in particular. Proportionally, Canada has one of the largest immigrant populations in the world and this number is continuing to grow. When asking young adults of my generation, the majority of their grandparents and great-grandparents moved to Canada from another country, most often a European state. Personally as a Canadian, I can trace my own heritage to many countries other than Canada, including Germany, the former Czechoslovakia, Russia, and Brazil. Similar to the country as a whole, British Columbia has a history of significant immigration into the province from China, India, Germany, and Scandinavian countries. Today the demographics of the province vary considerably, and it is often deemed a 'melting pot' of many cultures. This is not to say that there are not exceptions to this practice of cultural appropriation; I simply want to highlight the large number of ethnicities existing within British Columbia. It is plausible that this is one reason the Adoption Act gives focus to cultural aspects and preserving a child's ethnic identity when desired and if possible.

Additionally, BC's Adoption Act focuses specifically on Aboriginal Rights. Truthfully, the theme of Aboriginal rights in the adoption process could be the topic of its own thesis. British Columbia, and Canada as a whole, has an abhorrent history regarding the treatment of First Nations people. Without exploring this issue in depth, the provincial and federal policymakers spent many years in the early 20th century segregating aboriginal people. In the 1960s, in what is now termed the '60s Scoop', many aboriginal children were removed from their homes and families and placed in residential schools. Here, their culture and heritage were taught away. While policymakers have since tried to right the province's historical wrongs, the impact of the segregation and harm is still evident in Aboriginal communities today. I had the opportunity to take part in a six-week Aboriginal Adoption Training Program in 2013. During this time, I researched BC's history and spoke with aboriginal community members and elders. From these discussions I learned that today many aboriginal people see the act of removing a child and adopting them as an extension of the 60s Scoop and something to be avoided entirely.

Part of the province's attempt to rebuild relations includes a separate child protection office designed to meet the needs of aboriginal children and their families. The office remains a branch of the Ministry of Child and Family Development [MCFD] but in many cities throughout the province it operates as a building separate from the non-aboriginal MCFD office. Along with a distinct office, comes a unique way of practicing social work. Throughout my research and experience, I found the way in which aboriginal child protection agencies run in BC is similar to Norwegian social work practice. The BC aboriginal office places much emphasis on the use of a teaching tool called the Medicine Wheel. This is a first nations' tool that seeks to understand individuals on a holistic level, assessing their intellectual, emotional, spiritual and physical needs (Richardson & Wade, 2010). This is more in keeping with Norway's family service model of child protection. That said, a comparison of Norwegian social work and Canadian Aboriginal social work could also be a thesis

project entirely on its own; for now, however, I continue my focus on the adoption policies.

Because of the history of discrimination and child removal, the aboriginal child protection offices continue to place emphasis on family support, family preservation and maintaining biological ties. The offices pursue adoption as a last resort and only when the adoptive families are willing and able to preserve the child's aboriginal culture. This focus is evident in several sections the Adoption Act. For example, aboriginal rights are specifically mentioned in seven separate sections. Furthermore, there is a noticeable difference in the provisions compared to the others, specifically to do with family maintenance and the sharing of information.

Statements designed to meet the needs of aboriginal children include: Section 3(2): "if the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered"; Section 7(1): "before placing an aboriginal child for adoption, a director...must...discuss the child's placement with...(a) the [Indian] band...(a.1) the Nisga'a Lisims Government...(a.2) the treaty first nation...[and] (b) the aboriginal community"; Section 7(3): "an adoption agency must make reasonable efforts to obtain information about the cultural identity of a treaty first nation child before placing the treaty first nation child for adoption"; and Section 62(2): "a director may...with the written consent of the child's adoptive parents, disclose identifying information so that an aboriginal child can be contacted by...(a) the [Indian] band...(a.1) the Nisga'a Lisims Government...(a.2) the treaty first nation...[and] (b) the aboriginal community". Additionally, the Act states that, "the court may recognize that an adoption of a person effected by the custom of an Indian band or aboriginal community has the effect of an adoption under this Act" (Section 46(1)).

I found that BC policymakers seek to ensure that an aboriginal child has every right and opportunity to preserve family ties, if appropriate, and safeguard their culture. The definitive provision in the Act in regards to this is Section 37(7), which states "an adoption order does not affect any aboriginal rights the child has".

Because of Canada's widely heterogeneous demographics and particularly the nation's often dishonorable history with aboriginal populations, it can be understood that the need for cultural provisions are now present within the Adoption Act. I am curious about the possible impact these provisions may have on adoption numbers. As discussed above, adoption is not a highly favoured option in the aboriginal community, therefore the numbers of adopted aboriginal children are relatively low. In 2013 when 205 children were adopted from BC's foster care system, less than 35%, or 71 children, were aboriginal (Turpel-Lafond et. al., 2014). In my professional experience, I saw fewer aboriginal children adopted. Additionally, much more time was spent on ensuring both their foster homes and potential adoptive homes had the skills and desire to uphold the child's culture and heritage.

It is important to note though that these relatively low adoption numbers are not reflected in the number of aboriginal children removed from their home and living in foster care. While 35% of the children adopted were aboriginal, this population makes up over 63% of those children living in care (Turpel-Lafond et. al., 2014). There are notable discrepancies between the ways in which the provincial government says it supports aboriginal culture and practices and the way it actually does. This is yet another area that deserves more research.

It is also important to note that the only ethnicity mentioned specifically in the Act is aboriginal people. With British Columbia's ever-growing immigrant population, this may change to include a variety of ethnicities. Over time, if Norway

also welcomes more immigrants and refugees to the country, there may be a need to amend the Adopsjonsloven. I am interested in following the Norwegian policy to see if distinct legislation preserving cultural identity through the adoption process is implemented in the future. For now, identity preservation and aboriginal rights of adoptive children remain themes unique to BC's Adoption Act.

5.8 Birth Parents' Rights

Birth Parents' Rights is a thematic category represented once again in both BC's Adoption Act and Norway's Adopsjonsloven. It is important to note that the policies on adoption that I chose to analyze are not written specifically for children living in foster care under the guardianship of the respective Ministries. For this reason, both policies include numerous provisions regarding the rights of all birth parents, regardless if the child was voluntarily put up for adoption or removed by the Ministry. Some of these provisions include the birth parents' right to consent, their right to withdraw this consent and their right for information.

One particularly interesting statement included in both policies is when a birth mother can consent to adoption. In Norway, a mother can consent to the adoption of her child two months after the birth (Adopsjonsloven, §7) while in BC, the child only has to be 10 days old for a birth mother's consent to be valid (Adoption Act, Section 14). While I found this difference again possibly related to how children are viewed in each context, it, along with other provisions regarding birth parents' consent, have limited application in my thesis. The children I have focused on are those living in the care of the Ministry, not of their birth parents. When a child is in care of the Ministry, both policies are clear that the director appropriates the birth parent's rights, including this right to consent to an adoption (Adoption Act, Section 6; Barnevernloven §4-20 as cited in Adopsjonsloven).

With that in mind, BC's policy again offers much more detail than its Norwegian counterpart. Section 6 of the Adoption Act not only allows the Ministry to proceed with adoption on their own agenda but they no longer need to "provide information about the adoption...to the parent" (6(1)(a)) or "provide the parent or other guardian with information about prospective adoptive parents" (6(1)(b)). Through my analysis, I found that BC policymakers are very detailed when describing actions that are allowed or, on the contrary, prohibited throughout the adoption process. This is especially true when compared to Norway's Adopsjonsloven. The provision on consent is a prime example. The Norwegian policy states that the Ministry can give consent to adoption in the place of the birth parents and it ends with that. I question why the BC Adoption Act has so many stipulations, regulating every action made or prohibited, throughout the process of adoption. This query reappears when I explore the category of court and Ministry power.

Interestingly, the policies do differ somewhat in the voice given to the birth parents. Prior to the actual adoption, the Adopsjonsloven permits that "a father, or mother, who does not share parental responsibility shall, as far as possible, be given the opportunity to express an opinion before a decision is made" (§7). This is in keeping with Norway's emphasis on biological relationships. The Adoption Act does not allow, at least in writing, for such views of the birth parents to be taken into account. In my experience, BC social workers often work closely with the birth family, providing information about an imminent adoption and giving them space to share their opinions about the upbringing of the child. But again, this practice is not evident or stipulated within the policy.

With regards to the birth parents' voice, both policies state that an adoption of a child has a similar impact. Upon adoption, birth parents lose all parental rights, responsibilities and obligations (Adoption Act, 37(1)(c); Adopsjonsloven, §13; Barnevernloven §4-20 as cited in Adopsjonsloven). That said, while birth parents no longer have parental rights after adoption, both policies continue to give them individual rights, particularly when anonymity is of concern. According to §11 of the Adopsjonsloven, anonymous adoption is permitted and should not be hindered by the *Forvaltningsloven [Public Administration Act]* §18. The *Forvaltningsloven* states that people have a right to acquaint themselves with documents pertaining to their case. While this may be so, it is not allowed if these documents would disclose identifying information that would deny anonymity.

Similarly, the Adoption Act makes significant efforts to protect the privacy of birth parents. Section 42(2) states that "if the identity of a parent or other guardian is not known to an adoptive parent, the child may only be identified on an adoption order by the child's birth registration number". Sections 65(1)(b) and 71(1) also allow for a birth parent to file a written veto prohibiting disclosure of information or a written no-contact declaration. Essentially this means that if a birth parent requests it, they may remain anonymous to everyone, including their birth child, for up to two years after the applicant's death. Even after an adoptive child reaches the age of adulthood and is legally allowed to apply for information regarding their birth family, the parents' identity may remain anonymous. Additionally, if a birth parent is located through the Ministry by a birth child but "wishes not to be contacted…the Provincial director must not disclose any information identifying the name or location" (Section 71(9)). Finally, the BC policy 71(1) allows birth parents to "apply to the Provincial director for assistance in locating...(b)...an adult adopted child", but it applies the same provision concerning disclosure if the child does not wish to be contacted.

Overall, it appears to me that throughout the process of adoption from foster care, the Adoption Act and the Adopsjonsloven allot birth parents similar, albeit very limited rights. In keeping with their focus on the biological relationships, Norway is more willing though to heed the perspective of the birth parents while less eager to promote anonymous adoptions. After communicating with an expert in the social work field in Stavanger, Norway, I was informed that while adoptions where birth and adoptive families do not know one another are legally permitted in the country, they are, quote, 'very rare'.

In contrast, British Columbia's policymakers appear more willing to allow professionals to participate in and facilitate anonymous adoptions. This might be linked to the province's history as a liberal welfare state. In BC's version of liberal ideology, as discussed in my literature review in Chapter 1, the individual is prioritized. In this case, it is the individual's right to remain unidentified, even if it may be deemed in the best interest of the child to know this information. This position may also be related to the BC ideology that children need to be protected. Knowing information, particularly negative facts, about their birth parents may put the child at emotional risk. Either way, privacy is protected as an inherent right.

I am curious once again whether anonymous adoptions may have an influence on overall frequency of adoption from foster in Norway and British Columbia. While it is permitted in both contexts, from my understanding and experience, anonymous adoptions occur more frequently in BC than in Norway. Many birth and adoptive families on my work caseload in British Columbia did not know or have any contact with one another prior to, during and after the adoption. I can understand how the involvement of birth parents may dissuade some individuals from pursuing adoption.

It is possible that the presence of the birth parents poses some sort of risk to the adoptive parents – for example a child struggling to attach to their adoptive family while still maintaining biological ties or the birth parents attempting to regain custody of a child. However, I cannot say whether or not these are palpable risks. If the potential adoptive parent knows that an adoption may remain anonymous, as is the case in BC, I wonder whether they may be more willing to pursue this option. This may be the case in situations were the court has predetermined that contact shall not be maintained between birth parents and the child. I emphasize that this is me speculating though.

It is important to note that anonymity can be the right of a *birth parent*. While the adoptive parent can also appeal for this, the birth parent can request contact or share information as the child matures to adulthood. Conversely, they have the right to deny or conceal identifying information. The adoptive parents do not know whether or not the birth parents will take advantage of this right to anonymity, minimizing its influence as a motivator for adoption. I still have many questions as to how and if the rights of the birth parent may influence adoption numbers. My document analysis researches the intentions of policymakers rather than the possible effects the policy has on practice, therefore these questions remain. In summary, I found that the policymakers in both settings recognized the loss of parental rights post adoption while still protecting the individual rights of the birth parent.

5.9 Adoptive Parents Rights vs. Requirements

Throughout my analysis, the categories of *Adoptive Parents Rights* and *Adoptive Parents Requirements* continue to be thought provoking. While birth parents appear to be addressed similarly in both policies, adoptive parents are discussed in distinctive tones. Initially, I noticed that adoptive parents are mentioned more frequently in British Columbia's Adoption Act than in Norway's Adopsjonsloven. This may be due to the significant length difference but the term is mentioned less in comparison to other words as well in Norway's policy.

When adoptive parents are mentioned in the Adopsjonsloven, it is typically with regard to the requirements they must meet prior to adoption. Some examples of these provisions include: "an adoption order may only be issued to a person who has reached 25 years of age" (§3); "the Ministry shall require the presentation of an exhaustive criminal record certification ['*vandelsattest'*](§3a); "a person who has been declared incapable of managing his or her affairs may only adopt with the consent of his or her guardian" (§4); and "a person who is married or is a cohabitant may only adopt jointly with his or her spouse or cohabitant....persons other than spouses or cohabitants may not jointly adopt" (§5). While it does not state it directly, it is implied later in §16e that single individuals may apply to adopt as well. The Norwegian policymakers also state that "the Ministry may make regulations prescribing...requirements regarding the suitability of the applicants, including requirements regarding age, health, good conduct, the length of the applicants' relationship, finances, housing and participation in courses to prepare for adoption" (§16e). This last statement reiterates potential adoptive parents' need to meet certain standards in Norway prior to adoption.

The tone or attitude directed towards adoptive parents in my analysis of the Adopsjonsloven is one pressured towards high quality of care. Understandably, this level of care is something to strive for. But the lack of support or positive reinforcement offered to adoptive parents in the policy is notable. There is a single

provision, which has been previously discussed, that is conceivably related to the adoptive parents' rights: "on adoption, the adoptive child inherits the same legal status as if the adopted child had been the adoptive parents' biological child" (§13).

Noteworthy here is the format in which this statement is written. It is the one sentence in the Adopsjonsloven that says that the young individual becomes the child of the adoptive parents but it does not explicitly state that the older individuals become the parents of the child. This statement gives rights to the child without directly offering those same rights to the parents. One can infer that it means the same thing. However, I find that this omission of adoptive parents' rights, deliberately or otherwise, conveys how Norwegian policymakers appear to view adoptive parents.

Adoptive parents in the Adopsjonsloven are presented as needing to meet requirements without recognition in the policy for what they are giving to the child. In §4-20a of the Barnevernloven, which again is referenced throughout the adoption policy, it does state that adoption applicants must consent to contact visits between children and their birth families. This is the single provision that allocates rights to the adoptive parent but it is written in Norway's Barnevernloven and not the Adopsjonsloven. In addition, this statement appears to focus on the birth family rather than the adoptive parents, describing ways in which the birth family may maintain contact.

In my findings, adoptive parents seem to be somewhat undervalued in the Adopsjonsloven. This could be related to the biological principle and the priority given to birth families in Norwegian child protection practice. Adoption and therefore adoptive parents are typically viewed as a last resort. The care that an adoptive parent can provide for a child may be appreciated in Norway but not necessarily celebrated as it ultimately means the cutting of ties of biological relationships, which Norwegian society seeks to preserve.

In contrast, adoptive parents appear to be given more rights and recognition in BC's Adoption Act, both prior to and after the adoption. Similarly to Norway, potential adoptive parents must also meet requirements set by the province. These include being either a single individual or a couple (Section 5(1)); being a resident of British Columbia (Section 5(2)) and being approved in a home study (Section 6(2)). From what I understand, this home study typically includes an examination of the applicants' criminal record history and suitability for adoption, but this is not stated. What is explicitly described throughout the Adoption Act though are the rights of the adoptive parents. These include, but are not limited to the following: Section 6(1): "before placing a child for adoption...a director must...(d) give the prospective adoptive parents information about the medical and social history of the child's biological family"; Section 36(1): "the applicant for an adoption order may request the court to change the child's given names or family name"; Section 37(1)(b): "the adoptive parent becomes the parent of the child"; and 42(1): "if the identity of a prospective adoptive parent is not known to a parent or other guardian of a child, the identity of the prospective adoptive parent must not be disclosed".

By directly offering adoptive parents these rights within the policy, policymakers appear to emphasize the value of these individuals. Using legally binding statements, the policy is telling potential and current adoptive parents that they are important. The celebration of adoptive parents can be linked to attachment theory. I believe that BC policymakers see the potential gains of attachment via permanent, stable care and that adoptive parents can offer this. Potential and current adoptive parents seem to be protected and supported under the Adoption Act because of what they can provide for the child. I cannot say whether or not adoptive parents

are celebrated in practice in the Norwegian social work field. However, using an argument already offered in this thesis, BC policymakers ensured their support was written into the policy, emphasizing its importance.

Additionally, adoptive parents are offered tangible support in BC's Adoption Act. It is my understanding that in both Norway and BC, social workers remain working with adoptive families and the child for a period of time after the adoption is complete to ensure both parties are managing well. Neither policy addresses this specifically though. That said, the Adoption Act states in Section 80 that "a director may (a) provide financial assistance or other assistance to a person who (i) proposes to adopt or who adopts a child placed for adoption by a director".

Upon further research I learned that in BC, the Ministry of Child and Family Development [MCFD] offers a *Post Adoption Assistance Program* (MCFD, 2015). This program offers basic maintenance payments for adoptive families as well as coverage for specific services, including counseling, respite, tutoring, corrective dental procedures, speech therapy, and occupational therapy. It is offered for parents who have adopted a child designated as having 'special needs'. A majority of foster children in the care of the Ministry fall into this broad category, therefore the adoptive parents are eligible to receive financial compensation (MCFD, 2015). To supplement this, the Government of Canada offers 35 weeks of parental benefits to be shared by newly adoptive parents (Government of Canada, 2016).

I also found that, in practice, the Norwegian government offers parental leave for newly adoptive parents (NAV, 2016). They are granted 46 weeks at 100% of their previous salary or 56 weeks at 80%. The parental leave policy for adoptive parents stipulates that the child must be under the age of 15 years old. It does not make any further reference to financial support after the adoption.

While financial gain should not be a driving force behind the adoption of a child, I think that it is important that the topic is mentioned in BC's Adoption Act. By stating the possibility of financial compensation, the policymakers emphasize what the province is willing to offer to adoptive parents. Individuals willing to adopt are valued with both words and concrete forms of gratitude. In summary, I found these two categories to be of significance when identifying the wish lists of the respective policymakers. One policy appears to somewhat take for granted the presence and willingness of adoptive parents while the other makes specific reference to their rights throughout the adoption process. I wonder if this may affect the number of adoptions from foster care that take place in British Columbia and Norway respectively.

Speaking from experience, the province of BC looks very highly upon potential and current adoptive parents not only in the policy but also in practice. Again, I use the example of the Life Books created for children transitioning in BC from foster care to adoption. At the beginning of each Life Book, there is a Life Story, typically written by the child's social worker. This story tells of the child's history in words and phrases that the young person can understand. The Life Story is important for many reasons, most significantly as a tool to help the child understand their past.

At one point I worked with a sibling group who had completed their Life Books, including this Life Story, with their previous social worker. It was my role to work with the girls to help review sections of their Life Story as their current situation had changed. What is relevant to note here is the way in which the potential adoptive parents were described in the Life Stories. The previous social worker had used phrases such as *'the kindest, most generous people in the world said they wanted to adopt me'*, and *'the sun came out in my life the day these wonderful adults chose to adopt me'*.

I clearly remember these phrases because of their seemingly exuberant nature. At the time, I struggled with the descriptions, and not only because the girls were eventually removed from these adoptive parents. I found the exaggerated descriptions put these adoptive parents on pedestals, viewing them as heroes without fault. That said, adoptive parents in BC are often depicted in this way. Many professionals I have worked or had discussions with, and myself included, see adoptive parents as incredible people willing to give opportunities to a child in need. While I have a more realistic view of adoptive parents as people, rather than the superheroes they were described as in the above Life Story, I still offer my highest regard to them. I am curious if the way in which these individuals are valued influences others wanting to pursue similar options.

For all that, I again cannot speak to how adoptive parents are viewed in a Norwegian context. I have not personally met an individual in Norway who adopted a child from foster care nor have I spoken with professions who have worked with such people. I can imagine that as individuals willing to provide care for a child, they would be positively viewed as well, but to what extent I am unsure. I can only surmise from my work in the Permanency Planning program that adoptive parents in BC seem to be highly valued. While adoption is still a difficult decision, I wonder if the rights granted to adoptive parents through BC's policy, as well as the public celebration they are awarded, could be important incentives towards pursuing adoption.

5.10 Authority of the Court and Ministry

I intentionally left this category until the end of my discussion because I anticipated that it might be quite illuminating. I initially entitled it *Power of the Court and Director*, but through my analysis I found Max Weber's word *authority* to be a better fit. For Weber, power is mighty and raw, while authority is permitted and 'soft-gloved'. I have used the word *power* throughout my thesis in various contexts, describing children, adults and agencies alike. Throughout this section though, I use the word authority to denote the position of the court and Ministry, except when quoting directly from the policies. It is also relevant to note that I have capitalized the word *Ministry* but not *court* or *director* as this is how the words appear in the policies.

This category considers the authority given to, in the case of BC, the Supreme Court of British Columbia and the Ministry of Child and Family Development [MCFD]; and in the case of Norway, the Ministry titled Barnevernet [Child Welfare Services], the government and the King. I will first look at BC's Adoption Act before moving on to Norway's Adopsjonsloven.

The first thing I recognized when I began my analysis of the BC Adoption Act was its length and detail. This is a long document that outlines provisions regulating the practice of any individuals who may be a part of the adoption process in the province.

Many of those provisions are directed at the court and the Ministry, specifically the Ministry director. After discovering this, I had another look at my literature review from Chapter 1. There, BC and Canada are depicted as having a liberal welfare state, which is often categorized by minimal state intervention. Yet the BC approach does not appear to be in keeping with that principle. In the Adoption Act the word *director* is found 180 times. Although I did not calculate the frequency of all terms, it seems to be one of the most common words used. To clarify, in BC the terms *director* and *Ministry* are often used interchangeably to address MCFD and those employed at a management level with the agency. When the term is used in the

policy, it refers to how the director can or cannot act and actions they must or must not take.

The detail and what appears to be a high level of regulation surprised me. I went back to the literature to find research on possible reasons for the lengthy government policies but found little material of relevance. To shed light on this finding, I then contacted a number of Canadian Members of Parliament [MPs] both on the federal and provincial levels. My question was relatively straightforward: Is there currently, or was there traditionally, a trend in BC for government policies to be lengthy and highly-detailed documents?

It is important to note that I understand that in this case I am analyzing one policy and comparing it to only one other policy from a single country. It is possible that many other countries have similarly detailed policies as BC's and that the Adoption Act is not an anomaly. It is also possible that other policies in BC are much shorter and compact. With that proviso in mind, I examined other provincial and federal policies that were cited in the Adoption Act, including the *Child, Family and Community Service Act*, the *Family Law Act*, the *Infants Act*, the *Court of Appeal Act*, the *Vital Statistics Act*, and the *Freedom of Information and Protection of Privacy Act*. All are significantly long and detailed documents.

After being redirected to a variety of professionals, I was contacted by the Director of Adoption Services for the MCFD's Adoptions Branch, Renaa Bacy. Bacy informed me that the current adoption policy used in BC combines the legislation, practice standards, policies *and* procedures. This policy composition is used across various child welfare agencies and was initially implemented as a way to ensure practitioners had access to all documentation that guides practice. The length and detail is in fact intentional to safeguard against ignorance or misunderstandings in social work practice. This echoed some conversations I had with other professionals in the field. The common opinion is that the cumbersome nature of the policy is a result of BC's history with risk assessment and the fear of omitting any potentially important provisions.

I was also informed that the Child Welfare Policy Branch in British Colombia is in the process of revising the adoption policy. They are looking to incorporate evidence-based practice into the Act and separating the legislation, standards and procedures from the policy. I am interested in following this policy in the future to observe the amendments made.

Upon further analysis, my initial surprise at the length of the policy was overshadowed by the degree of authority in which the courts and Ministry have in BC. I have discussed this briefly in other sections of this chapter but I explore it a little further here. According to provisions throughout the Adoption Act, the court and director are granted what appears to be substantial authority over all other players in the adoption process. Some examples of the authority of the court include the following provisions: 34: "the court may require a director to inquire into any matter respecting an application for an adoption order that the court considers to be necessary"; 38(1): "when an adoption order is made, any order or agreement for contact with the child or access to the child terminates unless the court orders otherwise"; and 43: "any document filed in court in connection with the [adoption] application may be searched...(a) by order of the court".

Examples of provisions granting utmost authority to the MCFD director include: 4(2): "A director may…place a child for adoption with the person or persons selected by the director of child protection"; 13(3): "if the child is in the continuing custody of a director...the only consents required are (a) the director's...and (b) the

child's consent"; 62(3): "the director may dispense with any consent required"; 70.1: "a directory may collect from a person any information that is necessary to enable the director to exercise his or her powers or perform his or her duties or functions; 77(1): "a director may delegate to any person or class or persons any of the director's powers, duties, or functions under this Act"; and 78(1): "a person authorized by the Provincial director may...(a) enter any premises of an adoption agency and inspect the records and interview its staff, (b) request records to be produced for inspection, (c)...remove any record from the premises to make copies". This list includes just a sampling of the many statements that reveal the authority that the court and director have in the Adoption Act.

The BC Supreme Court and the Ministry of Child and Family Development [MCFD] are granted a high level of authority to both enact and omit provisions within the policy. They are evidently supported by the majority of professionals and employees in the field as this Act is still in place. These individuals appear to ultimately believe in the direction both the court and Ministry take otherwise the Act would most likely be challenged. Individual people involved in the adoption process may grant this authority as well because it appears to be the best alternative for all, and particularly for the child. Dissent and disagreement with the court and Ministry's direction may exist but the majority of people in the province appear to show some level of support. This distribution of authority and the adherence to the provisions is in keeping with Weber's (1978) definition of rational-legal authority. I explore this concept further again when I review Norway's Adopsjonsloven.

One particular provision of interest in the Adoption Act is Section 79: "no person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of (a) a power, duty or function conferred under this Act, or (b) a power, duty or function on behalf of or under the direction or a person on whom the power, duty or function is conferred under this Act". Essentially, in the process of adoption in BC, the court and director have the legitimate authority to act in *any* way they see fit. If their actions are in 'good faith', they will not necessarily be held accountable if the decisions made are harmful to the family and child.

I have seen the authority held by both the court and Ministry director in British Columbian social work practice. While beneficial work is done with families and children in the province, I have questioned more than once the imbalances that exist between the voice given to the government and that permitted to the families. It is interesting for me to see that this imbalance looks to be somewhat encouraged by the policy. It seems it is the policymakers' intention to designate influence and legitimate authority to these government bodies. With this insight, I wonder if and how the authority imbalance affects the act of adoption. It seems to me that some potential adoptive parents might be 'turned off' by heavily prescriptive government regulations and authority. Yet adoptive numbers are relatively high in BC. Is there a possible link between a high degree of government authority and high numbers of adoption? This question deserves future research.

Turning to Norway, where the official adoption document is much more condense than its BC counterpart, I found the bureaucratic authority was similarly commanding in many respects. The Adopsjonsloven uses the word *departement,* which translated refers to the Ministry, 25 times. This is approximately 1.3% of the words used in the policy. As a reminder, BC's Adoption Act uses the word *director* 180 times, or approximately 1.4% of the total word count. This shows that in BC and

Norway, the use of the words *director* and *Ministry* in the respective documents is quite similar.

Examples of the Ministry's authority in Norway include: §1: "adoption shall take place subject to an adoption order made by the Ministry"; §10: "the issue of the validity of an adoption order may not be the subject of a preliminary ruling in a case concerning another issue"; §16: "note of an adoption order shall be made under the name of the adopted child in the national population register and in any other such public record as the Ministry may decide". Additional examples of the Ministry and court's authority, as cited in the Barnevernloven §4-20 include: "the county social welfare board may also decide that the parents shall be deprived of all parental responsibility" and "when the county social welfare board issues an adoption order…it shall at the same time consider whether there shall be contact visits between the child and his or her biological parents after the adoption has been carried out".

Overall though, I found the tone and content of these provisions, while still authoritative, to give more leeway than their BC counterparts. The Norwegian Ministry retains significant control but specific actions are not mandated by the policy. To explain this last point, the BC policymakers make the point of explicitly addressing detailed things that the Ministry can or cannot do while the Norwegian policymakers make general statements regarding the *departement's* authority.

Norway's situation is unique in the sense that the country is a constitutional monarchy, meaning that the King is formally the Head of State. In practice though the Norwegian King's duties are "mainly representative and ceremonial" (Royal House of Norway, 2013). He upholds the philosophy and actions of the state. The specific authorities that he receives reside in parliamentary command. Within the Adopsjonsloven, the King may "prescribe regulations to the effect that the public law provisions of the Act shall be made applicable to Svalbard [Norwegian archipelago]" (§1); he may "with retroactive effect, approve an adoption order that was issued despite non-fulfillment of the conditions laid down in this Act" (§9); and he may "authorize departures from the provisions of §§17-22 [regarding foreign state adoptions] if this is necessary in order to fulfill Norway's obligations pursuant to an agreement with a foreign state" (§23). This last statement concerns children adopted from foreign states and is therefore not necessarily relevant, but it does still emphasize the authority given to someone other than the child and family. The second statement, where an adoption order can be approved retroactively is of particular interest. As long as the King, or essentially the elected government, at some point approves the order, the adoption process could diverge from what is legally required and still be accepted. Due to the low numbers of adoptions in general, I would be surprised if the King's retroactive approval is a common occurrence, but it is still accepted in the policy.

Once again, Norway's Adopsjonsloven relates to Weber's legitimate authority. Because of who they are, what they provide, and how they are accepted by the society, the Norwegian Court, King, and Ministry are given authority to manage adoptions as they see fit. To clarify the last statement, this is akin to my discussion on legitimate authority in British Columbia. Those involved in the process, the adoptive parents and the social workers, give the government the authority to both take and refuse action because ultimately the majority of the people believe the government is working for them. They support the overall direction of the government, therefore allowing the court and Ministry authority in matters, such as adoption policy.

I am suggesting a level of public support based on what I know about Canada and Norway's government structure. Canadian and Norwegian citizens elect their

governments democratically. This is true for citizens in British Columbia who also democratically elect their provincial government. Among the voters in both populations are citizens who, in one way or another, are involved in adoption protocols. In that regard, it is relevant to note that voters give politicians the authority to make decisions concerning adoption issues, along with many other policymaking issues. With that, while I was initially surprised by the amount of authority granted to people and institutions *other* than the actual child or potential adoptive parents, using Weber's theory I understand my findings more clearly.

The authority of the court and director is clearly evident in both policies. With this said, I am left questioning my initial thought that there may be a link between court authority and high adoption numbers. The Norwegian policy describes the authority attributed to the court and Ministry in much less detail but it does still exist. And Norway's adoption numbers, as noted earlier, are comparatively quite low. Are there links then at all between the level of legitimate authority yielded and adoption practices? Again this is a question not addressed in this thesis but open to future research. This is a pertinent time to conclude my discussion with a summary suggesting areas of future study and final reflections on my research topic.

5.11 Areas of Interest for Future Research

Throughout my analysis many questions arose that my current research was not geared to answer. Many of these questions are areas that I would like to explore further in my academic career. I address suggested areas of future research through bullet points:

- Obtaining and respecting the views of children under 7 years old

Both BC's Adoption Act and Norway's Adopsjonsloven suggest that social work professionals should attempt to address the perspective of children, 7 years old and younger. I am curious as to the best methods in working with children of this age as well as the best practice in balancing the child's perspective with their protective needs.

- Concept of recognition in the social work field

This pondering is related to my discussion on adoptive parents' rights and requirements, but can be generalized to the field of social work. The need to be recognized and appreciated is, I believe, an inherent desire in many people. The social work profession often meets individuals and families when they are at their most trying periods. That said, I wonder about the impact that the recognition of an individual's strengths or an appreciation of the skills and characteristics they offer may have. I think it would be interesting to research the strengths of a pre-adoptive parent as well as the effect that positive recognition has on them.

- The importance of preserving cultural identity

BC's Adoption Act stipulates a variety of provisions focused on preserving an adoptive child's cultural identity; Norway's policy does not. I am curious to see if this focus evolves over time as immigration and refugee populations may continue to rise.

- A comparison of British Columbia's Aboriginal child protection services and Norway's child protection system

Throughout my analysis of BC's Adoption Act, I found provisions related to aboriginal services that mirrored what I have learned about Norway's child protection system. A comparison of the two systems, their history, values held by both and their daily practice would be quite interesting.

- The impact context has

As I analyzed the Adopsjonsloven and the Adoption Act, I continued to question how my personal and professional experiences might have influenced my readings of the documents. This is not a negative thing per se, but rather something to ponder. When I failed to see the biological principle explicitly emphasized, I wondered if a Norwegian social work professional would have the same opinion. When I addressed the treatment of both biological and adoptive parents within the policy, I questioned how my Canadian education and training could be guiding my perspective. While I attempted to remain neutral and grounded in the data provided by the policies, I thought about the many ways my background may have subconsciously influenced my analysis. I believe future research on the importance of context in social work would be very interesting. Can a social work professional educated in one context really provide the best services for individuals in a different environment? This question is highly linked to the Lynne Healy's concept of universalism versus cultural relativism in social work. I would be interested in specifically researching this concept and how it applies to adoption practices.

- The influence of government's authority on social work practice

Finally, throughout this thesis I found numerous ways in which the court and Ministry in both Norway and BC were granted high levels of authority. The discourse followed by these governing bodies is relatively loud and apparent. I am curious as to how the government's perspective in either Canada or Norway influences social work practice. This may involve an in-depth qualitative study where the researcher interviews many social work professionals to determine if and how the political discourse affects their practice. It could also be researched through a quantitative statistical study, analyzing the impact of government policy on the social work field. My current research analyzes what is written in the respective adoption policies. As I first stated in the rationale for my thesis, I am exceedingly interested in researching in the future the ways in which these policies, specifically those on adoption, influence practice.

5.12 Some Final Reflections

In this thesis, I conducted a comparative study of adoption policies in two settings: British Columbia, Canada and Norway. I used grounded theory to generate categories in an attempt to capture the intentions of the policymakers within the relevant documents. I found this process, from a research perspective, at times both challenging and exciting. One of the principle challenges I found with document analysis was determining succinct categories from the data. I discovered that a single provision in the policy could fall under multiple categories. I was pushed to use

assessment skills to determine the 'best fit'. During this process, I also realized the limitations as a solo researcher and understood the value of discussions within a team. This may be seen as a challenge rather than a limitation, as the result is a single perspective, which can be a positive thing.

Another challenge of my research was addressing what I came to call the 'So what?' factor. Many times I would read a provision included in either policy and ask myself, "So what? The Adoption Act says _____, but what does this *mean*?" Attempting to find meaning in minute pieces of text and then ultimately connecting that to meaning in the document as a whole, was the most difficult but overall most satisfying aspect of my research.

Finishing on a positive note, I am excited about my findings in BC's Adoption Act and Norway's Adopsjonsloven. Both policies appear to be highly centered on the future of the child. As a social worker, all I can ask at times is that the system is designed at its core to meet the needs and promote the rights of those most vulnerable. However this looks in individual practice, I hope that the policy at the very least promotes best practice. This appears to be the case in British Columbia and Norway. Both policies have been created with substantial care and attention and both continue to be amended over time. I observed that the individuals in need of support are indeed at the heart of both policies. Additionally, I observed many links between the policies and social work practice. This gives me hope in the possibility of future research regarding the impact of social work policy.

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Appendix 1: British Columbia's Adoption Act

This Act is Current to February 17, 2016

This Act has "Not in Force" sections. *See* the Table of Legislative Changes.

ADOPTION ACT

[RSBC 1996] CHAPTER 5

Contents

Part 1 — Introductory Provisions

Definitions and interpretation

1 (1) In this Act:

"aboriginal child" means a child

(a) who is registered under the *Indian Act* (Canada),

(b) who has a biological parent who is registered under the *Indian Act* (Canada),

(b.1) who is a Nisga'a child,

(b.2) who is a treaty first nation child,

(c) who is under 12 years of age and has a biological parent who

(i) is of aboriginal ancestry, and

(ii) considers himself or herself to be aboriginal, or

(d) who is 12 years of age or older, of aboriginal ancestry and considers himself or herself to be aboriginal;

"aboriginal community" means an aboriginal community designated by the minister;

"administrator" means the chief executive officer of an adoption agency or another officer of an adoption agency designated by the agency for the purposes of this Act;

"adoption agency" means a society licensed in accordance with the regulations;

"birth mother" means the person who gives birth to, or is delivered of, a child, regardless of whether her human reproductive material was used

in the child's conception, unless the person is a surrogate within the meaning of section 29 of the *Family Law Act*;

"caregiver" means a person with whom a child is placed by a director or an administrator and who, by agreement with the director or the administrator, is authorized to carry out the rights and responsibilities, under the agreement, of the director or the administrator;

"child" means an unmarried person under 19 years of age;

"Convention" means the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption;

"court" means the Supreme Court of British Columbia;

"designated representative", when used in relation to the Nisga'a Lisims Government, an Indian band, an aboriginal community or a treaty first nation, means a representative designated in accordance with the regulations;

"direct placement" means the action of a parent or other guardian of a child placing the child for adoption with one or 2 adults, none of whom is a relative of the child;

"director" means a person designated as a director of adoption under section 76.1 (1) (a) and the Provincial director;

"director of child protection" means a director designated under section 91 of the *Child, Family and Community Service Act*;

"extra-provincial agency" means an official or agency located outside British Columbia and having substantially similar powers as a director in respect of guardianship;

"Indian band" means a band as defined in the *Indian Act* (Canada) and includes a band council;

"openness agreement" means an agreement made under section 59;

"parents' registry" means the registry referred to in section 10;

"post-placement report" means a report to court prepared by a director or an adoption agency;

"Provincial director" means the person designated as the Provincial director under section 76.1 (1) (b);

"registrar general" has the same meaning as in the *Vital Statistics Act*;

"relative" means a person related to another by birth or adoption;

"treaty first nation", in relation to a treaty first nation child, means the treaty first nation of which the child is a treaty first nation child.

(2) A reference to "guardian" in section 13 (1) (c) or in the phrase "parent or other guardian" or "joint guardian" does not include

(a) a director,

(b) an administrator,

(c) a director of child protection, or

(d) the Public Guardian and Trustee.

Purpose of the Act

2 The purpose of this Act is to provide for new and permanent family ties through adoption, giving paramount consideration in every respect to the child's best interests.

Best interests of child

3 (1) All relevant factors must be considered in determining the child's best interests, including for example:

(a) the child's safety;

(b) the child's physical and emotional needs and level of development;

(c) the importance of continuity in the child's care;

(d) the importance to the child's development of having a positive relationship with a parent and a secure place as a member of a family;

(e) the quality of the relationship the child has with a parent or other individual and the effect of maintaining that relationship;

(f) the child's cultural, racial, linguistic and religious heritage;

(g) the child's views;

(h) the effect on the child if there is delay in making a decision.

(2) If the child is an aboriginal child, the importance of preserving the child's cultural identity must be considered in determining the child's best interests.

Part 2 — The Process Leading to Adoption

Division 1 — Placement for Adoption

Who may place a child for adoption

4 (1) The following may place a child for adoption:

(a) a director who

(i) has care and custody of the child under section 23, or

(ii) is the guardian of the child under section 24;

(b) an adoption agency;

(c) a parent or other guardian of the child, by direct placement in accordance with this Part;

(d) a parent or other guardian related to the child, if the child is placed with a relative of the child.

(2) In addition to the authority under subsection (1) (a), a director may, at the request of a director of child protection, place a child for adoption with the person or persons selected by the director of child protection, if

(a) the child is in the continuing custody of the director of child protection, or

(b) the director of child protection is the child's personal guardian under section 51 of the *Infants Act*.

Who may receive a child for adoption

5 (1) A child may be placed for adoption with one adult or 2 adults jointly.

(2) Each prospective adoptive parent must be a resident of British Columbia.

Before placement by a director or an adoption agency

6 (1) Before placing a child for adoption, a director or an adoption agency must

(a) provide information about adoption and the alternatives to adoption to the parent or other guardian requesting placement,

(b) if the parent or other guardian requesting placement wishes to select the child's prospective adoptive parents, provide the parent or other guardian with information about prospective adoptive parents who have been approved on the basis of a homestudy completed in accordance with the regulations,

(c) obtain as much information as possible about the medical and social history of the child's biological family and preserve the information for the child,

(d) give the prospective adoptive parents information about the

medical and social history of the child's biological family,

(e) make sure that the child,

(i) if sufficiently mature, has been counselled about the effects of adoption, and

(ii) if 12 years of age or over, has been informed about the right to consent to the adoption,

(f) make reasonable efforts to obtain any consents required under section 13, and

(g) make reasonable efforts to give notice of the proposed adoption to

(i) anyone who is named by the birth mother as the child's biological father if his consent is not required under section 13, and

(ii) anyone who is registered under section 10 in the parents' registry in respect of the proposed adoption.

(2) A director or an adoption agency may only place a child for adoption with prospective adoptive parents who have been approved on the basis of a homestudy.

(3) Subsection (1) (a), (b) and (g) does not apply to a director placing a child for adoption under section 4 (2).

Discussion with aboriginal communities

7 (1) Before placing an aboriginal child for adoption, a director or an adoption agency must make reasonable efforts to discuss the child's placement with the following:

(a) if the child is registered or entitled to be registered as a member of an Indian band, with a designated representative of the band;

(a.1) if the child is a Nisga'a child, with a designated representative of the Nisga'a Lisims Government;

(a.2) if the child is a treaty first nation child, with a designated representative of the treaty first nation;

(b) if the child is neither a Nisga'a child nor a treaty first nation child and is neither registered nor entitled to be registered as a member of an Indian band, with a designated representative of an aboriginal community that has been identified by

(i) the child, if 12 years of age or over, or

(ii) a parent of the child, if the child is under 12 years of age.

(2) Subsection (1) does not apply

(a) if the child is 12 years of age or over and objects to the discussion taking place, or

(b) if the parent or other guardian of the child who requested that the child be placed for adoption objects to the discussion taking place.

(3) An adoption agency must make reasonable efforts to obtain information about the cultural identity of a treaty first nation child before placing the treaty first nation child for adoption if the final agreement of the treaty first nation requires these efforts to be made.

Before a direct placement

8 (1) As soon as possible before a direct placement, the prospective adoptive parents must notify a director or an adoption agency, in accordance with the regulations, of their intent to receive a child in their home for adoption.

(2) As soon as possible after being notified under subsection (1), a director or the adoption agency must

(a) provide information about adoption and the alternatives to adoption to the parent or other guardian proposing to place the child,

(b) obtain as much information as possible about the medical and social history of the child's biological family and preserve the information for the child,

(c) give the prospective adoptive parents information about the medical and social history of the child's biological family,

(d) prepare, in accordance with the regulations, a pre-placement assessment of the prospective adoptive parents,

(e) give a copy of the pre-placement assessment to the prospective adoptive parents and to the parent or other guardian of the child, and

(f) make sure that the child,

(i) if sufficiently mature, has been counselled about the effects of adoption, and

(ii) if 12 years of age or over, has been informed about the right to consent to the adoption.

Conditions on direct placement

9 Prospective adoptive parents may receive a child by direct placement but only if, before the child is received in their home,

(a) the parent or other guardian placing the child receives a copy of the pre-placement assessment prepared by a director or the adoption agency,

(b) the prospective adoptive parents receive a copy of information about the medical and social history of the child's biological family,

(c) the prospective adoptive parents have made reasonable efforts to obtain any consents required under section 13, and

(d) the prospective adoptive parents have made reasonable efforts to give notice of the proposed adoption to

(i) anyone who is named by the birth mother as the child's biological father if his consent is not required under section 13, and

(ii) anyone who is registered under section 10 in the parents' registry in respect of the proposed adoption.

Parents' registry

10 (1) A parent may, in accordance with the regulations, register on the parents' registry to receive notice of a proposed adoption.

(2) Notice to a person registered on the parents' registry is properly given if it is sent, in accordance with the regulations, to the address recorded in the registry.

Dispensing with notice of proposed adoption

11 (1) On application, the court may dispense with notice of a proposed adoption if it is satisfied

(a) that it is in the child's best interests to do so, or

(b) that the circumstances justify dispensing with the notice.

(2) An application under this section may be joined with an application for an adoption order.

Notice of placement

12 (1) Within 14 days after receiving a child in their home for the purposes of adoption, the prospective adoptive parents must notify in writing a director or an adoption agency.

(2) Subsection (1) does not apply if a prospective adoptive parent is a relative of the child.

Division 2 — Consents

Who must consent to adoption

13 (1) The consent of each of the following is required for a child's adoption:

(a) the child, if 12 years of age or over;

(b) the child's parents;

(c) the child's guardians.

(d) [Repealed 2011-25-268(a).]

(2) Despite subsection (1) (b), the consent of a biological father who is not presumed to be the child's biological father under section 26 of the *Family Law Act* is not required unless the biological father

(a) acknowledges that he is the child's father, and

(b) is named by the child's birth mother as the child's father.

(3) If the child is in the continuing custody of a director of child protection, or a director of child protection is the child's personal guardian under section 51 of the *Infants Act*, the only consents required are are

(a) the director of child protection's consent, and

(b) the child's consent, if the child is 12 years of age or over.

(4) If a child who has been adopted is to be adopted again, the consent of a person who became a parent at the time of the previous adoption is required, instead of the consent of a person who ceased to have any parental rights and responsibilities at that time.

(5) If a child has been placed for adoption by an extra-provincial agency and the law of the jurisdiction in which the agency is located is that only the consent of the agency is required for the child's adoption, that consent and any consent required of the child under subsection (1) are the only consents required.

Birth mother's consent

14 A birth mother's consent to the adoption of her child is valid only if the child is at least 10 days old when the consent is given.

Parents under 19 years of age

15 A person under 19 years of age may give a legally valid consent to the adoption of a child.

Form of consent to adoption

16 (1) A consent to the adoption of a child in British Columbia by a person resident in British Columbia must be in the prescribed form and must be supported by the prescribed documents.

(2) When a consent to the adoption of a child in British Columbia is required from a person resident outside British Columbia, the consent is sufficient for the purposes of this Act if it is in a form that meets the requirements for adoption consents in the jurisdiction in which the person is resident.

Dispensing with consent

17 (1) On application, the court may dispense with a consent required under this Part if the court is satisfied that it is in the child's best interests to do so or that

(a) the person whose consent is to be dispensed with is not capable of giving an informed consent,

(b) reasonable but unsuccessful efforts have been made to locate the person whose consent is to be dispensed with,

(c) the person whose consent is to be dispensed with

(i) has abandoned or deserted the child,

(ii) has not made reasonable efforts to meet their parental obligations to the child, or

(iii) is not capable of caring for the child, or

(d) other circumstances justify dispensing with the consent.

(2) Despite subsection (1), the court may dispense with the consent of a child only if the child is not capable of giving an informed consent.

(3) Before making an order under this section, the court may consider any recommendation in a report filed by a director or by an adoption agency.

(4) An application under this section may be made without notice to any other person and may be joined with any other application that may be made under this Act.

Revocation of consents before placement by a director or an adoption agency

18 (1) Before a director or an adoption agency places a child for adoption, a person who consented to the child's adoption may revoke the consent, but

only if the revocation

(a) is in writing, and

(b) is received by a director or an adoption agency before the child is placed with prospective adoptive parents by the director or the adoption agency responsible for the child.

(1.1) A director or an adoption agency who receives a written revocation referred to in subsection (1) must immediately or as soon as practicable provide the written revocation to the director or the adoption agency responsible for the child.

(2) As soon as possible after receiving the written revocation, the director or the adoption agency responsible for the child must make reasonable efforts to give notice of the revocation to anyone else who consented to the adoption.

(3) If the person revoking consent had care and custody of the child immediately before giving consent, the child must be returned to that person as soon as possible after the director or the adoption agency responsible for the child receives the written revocation.

Revocation of birth mother's consent within 30 days of birth

19 (1) A birth mother may revoke her consent to adoption within 30 days of the child's birth, even though the child has been placed for adoption during that period, but only if the revocation

(a) is in writing, and

(b) is received by a director or an adoption agency before the end of the 30 days.

(1.1) A director or an adoption agency who receives a written revocation referred to in subsection (1) must immediately or as soon as practicable provide the written revocation to the director or the adoption agency responsible for the child.

(2) As soon as possible after receiving the written revocation, the director or the adoption agency responsible for the child must

(a) give notice of the revocation to the prospective adoptive parents, and

(b) make reasonable efforts to give notice of the revocation to anyone else who consented to the adoption.

(3) The child must be returned to the birth mother as soon as possible after the prospective adoptive parents are given notice of the revocation.

Revocation of child's consent

20 A child may revoke consent to adoption at any time before the adoption order is made.

Revocation of consents given outside British Columbia

21 (1) A consent given under the law of another jurisdiction to the adoption of a child in British Columbia may be revoked in accordance with the law of that jurisdiction.

(2) Subsection (1) does not limit a child's right under section 20 to revoke consent at any time before an adoption order is made.

Court revocation of consents after placement

22 (1) After a child is placed for adoption, a consent to the child's adoption may only be revoked by the court or in accordance with section 19, 20 or 21.

(2) An application to court to revoke a consent to adoption may only be made before an adoption order is granted.

(3) A copy of the court application to revoke a consent to adoption must be served on everyone who consented to the adoption.

(4) On application, the court may revoke the consent if it is satisfied that it would be in the child's best interests to do so.

(5) Failure to comply with an openness agreement is not grounds for the court to revoke a consent to adoption.

Division 3 — Care, Custody and Guardianship

Transfer of care and custody to a director or an adoption agency

23 A parent who has care and custody of a child may, in writing, transfer care and custody to a director or the administrator of an adoption agency before

(a) the child is placed for adoption by the director or the adoption agency, and

(b) the parent consents to the child's adoption.

When a director or an adoption agency becomes guardian

24 (1) When consent to the adoption of a child is given by the parent or other guardian who requested a director or an adoption agency to place the child for adoption, the director or the administrator of the adoption agency becomes, subject to subsection (2), guardian of the child until an adoption

order is made or the consent is revoked.

(2) When a director or an administrator becomes the guardian of a child under subsection (1), the Public Guardian and Trustee becomes the child's property guardian.

Transfer of care and custody by a director or an adoption agency

25 If a director or an administrator has care and custody of a child under section 23 or is guardian of a child under section 24, the director or the administrator may

(a) transfer care and custody of the child to a prospective adoptive parent, or

(b) place the child with a caregiver.

Transfer of care and custody in direct placement adoptions

26 After the conditions in sections 8 (1) and 9 have been met, a parent or other guardian of a child may, in writing, transfer care and custody of the child to a prospective adoptive parent.

What care and custody includes

27 (1) In this section:

"health care" means anything that is done for a therapeutic, preventative, palliative, diagnostic, cosmetic or other health related purpose, and includes a course of health care;

"health care provider" includes any person licensed, certified or registered in British Columbia or in another province or state to provide health care.

(2) A person having care and custody of a child under this Act may

(a) authorize a health care provider to examine the child, and

(b) consent to necessary health care for the child if, in the opinion of the health care provider, the health care should be provided.

(3) A person having care and custody of a child under this Act may consent to the child's participation in school, social or recreational activities.

(4) Subsection (2) does not affect a child's right under section 17 of the *Infants Act* to consent to health care.

Joint guardianship in direct placement adoptions

28 (1) When consent to adoption is given by a parent or other guardian who places a child by direct placement, the prospective adoptive parent named in the consent becomes a joint guardian of the child with the parent or other guardian named in the consent.

(2) The joint guardianship terminates when

(a) the adoption order is made,

(b) the consent to the adoption is revoked in accordance with this Part, or

(c) the court declares that the prospective adoptive parent's status as joint guardian is terminated.

Part 3 — Court Proceedings

Who may apply to adopt a child

29 (1) One adult alone or 2 adults jointly may apply to the court to adopt a child in accordance with this Act.

(2) One adult may apply to the court to become a parent of a child jointly with another parent.

(3) Each applicant must be a resident of British Columbia.

A younger child's views

30 (1) Before applying to court for an adoption order relating to a child who is at least 7 years of age and less than 12, the applicant must arrange for a person authorized by the regulations to meet the child privately so the person can make a written report under subsection (2).

(2) The report must indicate whether the child

(a) understands what adoption means, and

(b) has any views on the proposed adoption and on any proposed change of the child's name.

Notice of application

31 (1) At least 30 days before the date set for hearing an application for an adoption order, the applicant must give written notice of the application as follows:

(a) to a director or an adoption agency, if the child was placed with the applicant by direct placement or was brought into British

Columbia for adoption by a person other than a relative of the child;

(b) to any person who, by court order or by an agreement enforceable as an order under the *Family Law Act*, has contact with the child or access to the child.

(2) The notice to the director or the adoption agency must be accompanied by the material or documents to be filed with the court under section 32.

Required documents

32 Before an adoption order is made, the following documents must be filed with the court:

(a) all the required consents to the adoption, or the orders dispensing with consent or an application to dispense with consent;

(b) the child's birth registration or, if it cannot be obtained, satisfactory evidence of the facts relating to the child's birth;

(c) if the child is at least 7 years of age and less than 12, a copy of the report of the child's views prepared in accordance with section 30 or a satisfactory explanation of why the report has not been prepared;

(d) the post-placement report, if required under section 33;

(e) any additional information required by the regulations.

Post-placement report

33 (1) If a director or an adoption agency is given notice under section 31 or has placed the child for adoption, a director or the agency must file with the court a post-placement report that contains

(a) either a recommendation that the adoption order should or should not be made or a statement that there is insufficient information to make the recommendation, and

(b) the information prescribed in the regulations.

(2) A director or the adoption agency may file with the court

(a) any other evidence or information the director or the agency considers necessary to enable the court to determine whether the proposed adoption is in the child's best interests, and

(b) a recommendation on any issue relating to the adoption, including whether the 6 month residency requirement in section 35 should be altered or dispensed with.

Court ordered reports

34 The court may require a director to inquire into any matter respecting an application for an adoption order that the court considers to be necessary.

Adoption order

35 (1) After considering the post-placement report and other evidence filed under section 32, 33 or 34, the court may make an adoption order if it is satisfied that

(a) the child has resided with the applicant for at least 6 months immediately before the date of the adoption hearing, and

(b) it is in the child's best interests to be adopted by the applicant.

(2) If the post-placement report was completed more than 3 months before the date of hearing the application, no adoption order may be made until the applicant files with the court a written certificate of a director or the adoption agency confirming or modifying the report.

(3) The court may alter or dispense with the residency requirement after considering any recommendation made by a director or an adoption agency.

Change of name

36 (1) The applicant for an adoption order may request the court to change the child's given names or family name.

(2) If requested by the applicant, the court may change the child's given names or family name in the adoption order, but only

(a) with the child's consent, if the child is 12 years of age or over, or

(b) after considering the child's views, if the child is at least 7 years of age and less than 12.

(3) A child's consent to a change of name is not required if the court has dispensed with the child's consent to adoption.

Effect of adoption order

37 (1) When an adoption order is made,

(a) the child becomes the child of the adoptive parent,

(b) the adoptive parent becomes the parent of the child, and

(c) the parents cease to have any parental rights or obligations with respect to the child, except a parent who remains under

subsection (2) a parent jointly with the adoptive parent.

(2) If the application for the adoption order was made by an adult to become a parent jointly with another parent of the child, then, for all purposes when the adoption order is made,

(a) the adult joins the parent as parent of the child, and

(b) any other parent ceases to have any parental rights or obligations with respect to the child.

(3) If a child is adopted for a second or subsequent time, the adoption order has the same effect on the child, on the new adoptive parent and on the former adoptive parent as it does on the child, on the adoptive parent and on the parents or parent under subsections (1) and (2).

(4) Subsections (1) to (3) do not apply for the purposes of the laws relating to incest and the prohibited degrees of marriage.

(5) The family relationships of one person to another are to be determined in accordance with this section, unless this or another enactment specifically otherwise provides or distinguishes between persons related by birth and persons related by adoption.

(6) An adoption order does not affect an interest in property or a right of the adopted child that vested in the child before the date of the adoption order.

(7) An adoption order does not affect any aboriginal rights the child has.

Effect on contact or access order or agreement

38 (1) When an adoption order is made, any order or agreement for contact with the child or access to the child terminates unless the court orders otherwise under subsection (2).

(2) The court may, in the child's best interests,

(a) order that an order, or an agreement enforceable as an order under the *Family Law Act*, respecting contact with the child or access to the child does not terminate, and

(b) vary the order or agreement respecting contact with the child or access to the child.

Notice of adoption order

39 (1) If

(a) a parent or other guardian requested a director or an adoption agency to place a child for adoption, a director or the adoption agency must, when the adoption order is made, make reasonable

efforts to notify the parent or other guardian that the child has been adopted, or

(b) a director of child protection requested a director to place a child for adoption, a director must, as soon as practicable after the adoption order is made, notify the director of child protection and the Public Guardian and Trustee that the child has been adopted.

(2) Subsection (1) (a) does not apply if the parent or other guardian indicated that they wished not to be notified.

When an adoption order may be set aside

40 No adoption order may be set aside except

(a) as a result of an appeal to the Court of Appeal within the time allowed under the *Court of Appeal Act*, or

(b) as a result of fraud, but only if the Supreme Court of British Columbia considers it to be in the child's best interests to set the order aside.

Hearings may be private

41 An application under this Act or another Act for an order relating to a child placed for adoption, or an appeal from that order, may be heard and dealt with in the absence of the public.

If parent and new parent do not know each other's identity

42 (1) If the identity of a prospective adoptive parent is not known to a parent or other guardian of a child, the identity of the prospective adoptive parent must not be disclosed in a notice or other court document served on the parent or other guardian in connection with

(a) an application under this or another Act for an order relating to the child, or

(b) an appeal of that order.

(2) If the identity of a parent or other guardian is not known to an adoptive parent, the child may only be identified on an adoption order by the child's birth registration number.

(3) If the identity of a parent or other guardian of a child and the identity of a prospective adoptive parent or adoptive parent are not known to each other, a court may order that their identities or any information that could reveal their identities not be broadcast or disclosed in any way in any document.

(4) Subsection (3) applies to any court hearing an application under this or another Act for an order relating to a child placed for adoption or hearing an appeal from such an order.

Confidentiality of court files

43 An application for an order under this Act or any document filed in court in connection with the application may be searched only

(a) by order of the court, or

(b) at the request of a director.

Adoption of adults

44 (1) One adult alone or 2 adults jointly may apply to the court to adopt another adult.

(2) The court may make the adoption order without the consent of anyone, except the person to be adopted, as long as the court

(a) is satisfied that that person, as a child, lived with the applicant as a member of the family and was maintained by the applicant until the person became self supporting or became an adult, and

(b) considers the reason for the adoption to be acceptable.

(3) An adoption order made with respect to an adult has the same effect as an adoption order made with respect to a child.

Duties of court registrar

45 (1) After an adoption order is made, the registrar of the court must send a copy of the order

(a) to the registrar general, and

(b) if a director or an adoption agency filed a post-placement report, to the director or the agency.

(2) The registrar of the court must provide to the registrar general any information relating to an adoption order that is required under the *Vital Statistics Act*.

Custom adoptions

46 (1) On application, the court may recognize that an adoption of a person effected by the custom of an Indian band or aboriginal community has the effect of an adoption under this Act.

(2) Subsection (1) does not affect any aboriginal rights a person has.

Adoptions outside British Columbia

47 An adoption that has, under the law of another province or of a jurisdiction outside Canada, substantially the same effect in that other jurisdiction as an adoption under this Act has the same effect in British Columbia as an adoption under this Act.

Part 4 — Interprovincial and Intercountry Adoptions

Division 1 — Interprovincial Adoptions and Intercountry Adoptions Outside the Scope of the Hague Convention

Before a child is brought into British Columbia for adoption

48 (1) Before a child who is not a resident of British Columbia is brought into the Province for adoption, the prospective adoptive parents must obtain the approval of a director or an adoption agency.

(2) The director or the adoption agency must grant approval if

(a) the parent or other guardian placing the child for adoption has been provided with information about adoption and the alternatives to adoption,

(b) the prospective adoptive parents have been provided with information about the medical and social history of the child's biological family,

(c) a homestudy of the prospective adoptive parents has been completed in accordance with the regulations and the prospective adoptive parents have been approved on the basis of the homestudy, and

(d) the consents have been obtained as required in the jurisdiction in which the child is resident.

(3) The director or the adoption agency must preserve for the child any information obtained about the medical and social history of the child's biological family.

Exceptions

49 Section 48 does not apply to a child who

(a) is brought into British Columbia for adoption by a relative of

the child or by a person who will become an adoptive parent jointly with the child's parent, or

(b) is a permanent ward of an extra-provincial agency.

Division 2 — Hague Convention on Intercountry Adoptions

Definitions

50 Words and expressions used in this Division have the same meaning as the corresponding words and expressions in the Convention.

Convention is law in British Columbia

51 (1) The provisions of the Convention have the force of law in British Columbia as soon as the Convention comes into force in British Columbia.

(2) Subject to subsection (3) and the regulations, the law of British Columbia applies to an adoption to which the Convention applies.

(3) If the law of British Columbia conflicts with the Convention, the Convention prevails.

Central Authority

52 The Provincial director is the Central Authority for British Columbia for the purposes of the Convention.

Authority of foreign bodies

53 If authorized by the Provincial director, a body accredited in a contracting state may act in British Columbia.

Authority to act abroad

54 The Provincial director may authorize a body accredited in British Columbia to act in a contracting state.

Conversion of adoptions

55 (1) On application by a person resident in British Columbia, the court may make an order converting an adoption referred to in Article 27 of the Convention to have the effect of an adoption under this Act.

(2) An application for an order under this section must be accompanied by proof that the consents required under Article 27 of the Convention have been given.

Disclosure of information

56 Subject to the regulations, the Provincial director may disclose to an adult who, as a child, was adopted in accordance with the Convention any information in the Provincial director's records concerning the adult's origin.

Publication of Convention and effective date

57 The Provincial director must publish in Part II of the Gazette a copy of the Convention and the date on which the Convention comes into force in British Columbia.

Part 5 — Openness and Disclosure

Definitions

58 In this Part:

"adoptive parent" means a person who adopted a child under this Act or any predecessor to this Act;

"original birth registration" means

(a) a registration maintained under section 13 (a) of the *Vital Statistics Act*, or

(b) a registration showing the name of the parent and containing a notation of the adoption and any change of name consequent to the adoption;

"record" has the same meaning as in the *Freedom of Information and Protection of Privacy Act*.

Openness agreements

59 (1) For the purpose of facilitating communication or maintaining relationships, an openness agreement may be made by a prospective adoptive parent or an adoptive parent of the child and any of the following:

(a) a relative of the child;

(b) any other person who has established a relationship with the child;

(c) a prospective adoptive parent or an adoptive parent of a sibling of the child.

(2) If a parent or other guardian placed, or requested a director or an adoption agency to place, a child for adoption, an openness agreement may

be made only after consent to the adoption is given by the parent or other guardian.

(3) If the child is of sufficient maturity, the child's views must be considered before the agreement is made.

Post-adoption openness

60 (1) Any of the following may, in accordance with the regulations, register with the Provincial director to indicate their interest in making openness agreements:

(a) an adoptive parent of a child under 19 years of age;

(b) a relative of an adopted child under 19 years of age.

(2) If an adoptive parent of a child under 19 years of age and a relative of the child have both registered under this section, the Provincial director

(a) may assist them in reaching an openness agreement and may facilitate the exchange of non-identifying information, and

(b) must, if they wish to exchange identifying information, disclose to each the identifying information provided by the other.

(3) Subsection (2) applies also if an adoptive parent of a child under 19 years of age and an adoptive parent of a sibling of that child have registered under this section.

Disclosure in the interest of a child

61 A director may disclose identifying information to a person if the disclosure is necessary

(a) for the safety, health or well-being of a child, or

(b) for the purpose of allowing a child to receive a benefit.

Disclosure when an aboriginal child is under 19

62 (1) A director or an adoption agency may, in a child's best interests, disclose to a prospective adoptive parent or an adoptive parent of an aboriginal child any of the following:

(a) the name and location of an Indian band, if the child is registered or entitled to be registered as a member of the band;

(b) the name and location of an aboriginal community, if the child is an aboriginal child and a pre-adoption parent of the child identified that community;

(c) the location of the Nisga'a Lisims Government, if the child is a Nisga'a child;

(d) the name and location of the treaty first nation, if the child is a treaty first nation child.

(2) A director may, in a child's best interests and with the written consent of the child's adoptive parents, disclose identifying information so that an aboriginal child can be contacted by the following:

(a) if the child is registered or entitled to be registered as a member of an Indian band, by a designated representative of the band;

(a.1) if the child is a Nisga'a child, by a designated representative of the Nisga'a Lisims Government;

(a.2) if the child is a treaty first nation child, by a designated representative of the treaty first nation;

(b) if the child is not a treaty first nation child and is neither registered nor entitled to be registered as a member of an Indian band, by a designated representative of an aboriginal community that has been identified

(i) by the child, if 12 years of age or over, or

(ii) by a pre-adoption parent of the child, if the child is under 12 years of age.

(3) In exercising his or her power under subsection (2), the director may dispense with any consent required by this section if the adoption has broken down or it is not practical to obtain consent.

Disclosure to adopted person 19 or over

63 (1) An adopted person 19 years of age or over may apply to the registrar general for a copy of the following:

(a) the adopted person's original birth registration;

(b) the adoption order;

(c) if the adoption occurred under a law of a treaty first nation and a notice has been provided by the treaty first nation under section 12.1 of the *Vital Statistics Act* in respect of that adoption, that notice.

(2) When an applicant complies with section 67, the registrar general must give the applicant a copy of the requested records unless

(a) a disclosure veto has been filed under section 65, or

(b) a no-contact declaration has been filed under section 66 and the applicant has not signed the undertaking referred to in that section.

Disclosure to pre-adoption parent when adopted person is 19 or over

64 (1) If an adopted person is 19 years of age or over, a pre-adoption parent named on the adopted person's original birth registration may apply to the registrar general for a copy of one or more of the following:

(a) the original birth registration with a notation of the adoption and any change of name consequent to the adoption;

(b) the birth registration that under section 12 of the *Vital Statistics Act* was substituted for the adopted person's original birth registration;

(c) the adoption order;

(d) if the adoption occurred under a law of a treaty first nation and a notice has been provided by the treaty first nation under section 12.1 of the *Vital Statistics Act* in respect of that adoption, that notice.

(2) When an applicant complies with section 67, the registrar general must give the applicant a copy of the requested records unless

(a) a disclosure veto has been filed under section 65, or

(b) a no-contact declaration has been filed under section 66 and the applicant has not signed the undertaking referred to in that section.

(3) Before giving the applicant a copy of the requested record, the registrar general must delete the adoptive parents' identifying information.

Disclosure veto and statement

65 (1) Either of the following may apply to the registrar general to file a written veto prohibiting the disclosure of a birth registration or other record under section 63 or 64:

(a) an adopted person who is 18 years of age or over and was adopted under any predecessor to this Act;

(b) a pre-adoption parent named on the original birth registration of an adopted person referred to in paragraph (a).

(2) When an applicant complies with section 67 (a), the registrar general must file the disclosure veto.

(3) A person who files a disclosure veto may file with it a written statement that includes any of the following:

(a) the reasons for wishing not to disclose any identifying information;

(b) in the case of a pre-adoption parent, a brief summary of any available information about the medical and social history of the pre-adoption parents and their families;

(c) any other relevant non-identifying information.

(4) When a person applying for a copy of a record is informed that a disclosure veto has been filed, the registrar general must give the person the non-identifying information in any written statement filed with the disclosure veto.

(5) A person who files a disclosure veto may cancel the veto at any time by notifying, in writing, the registrar general.

(6) Unless cancelled under subsection (5), a disclosure veto continues in effect until 2 years after the death of the person who filed the veto.

(7) While a disclosure veto is in effect, the registrar general must not disclose any information that is in a record applied for under section 63 or 64 and that relates to the person who filed the veto.

No-contact declaration and statement

66 (1) A pre-adoption parent who is named in an original birth registration and who wishes not to be contacted by the person named as the child in the registration may apply to the registrar general to file a written no-contact declaration.

(2) An adopted person 18 years of age or over who wishes not to be contacted by a pre-adoption parent named on a birth registration may apply to the registrar general to file a written no-contact declaration.

(3) When an applicant under subsection (1) or (2) complies with section 67 (a), the registrar general must file the no-contact declaration.

(4) The registrar general must not give a person to whom a no-contact declaration relates a copy of a birth registration or other record naming the person who filed the declaration unless the person applying has signed an undertaking in the prescribed form.

(5) A person who is named in a no-contact declaration and has signed an undertaking under subsection (4) must not

(a) knowingly contact or attempt to contact the person who filed

the declaration,

(b) procure another person to contact the person who filed the declaration,

(c) use information obtained under this Act to intimidate or harass the person who filed the declaration, or

(d) procure another person to intimidate or harass, by the use of information obtained under this Act, the person who filed the declaration.

(6) A person who files a no-contact declaration may file with it a written statement that includes any of the following:

(a) the reasons for wishing not to be contacted;

(b) in the case of a pre-adoption parent, a brief summary of any available information about the medical and social history of the pre-adoption parents and their families;

(c) any other relevant non-identifying information.

(7) When a person to whom a no-contact declaration relates is given a copy of a birth registration under section 63 or 64, the registrar general must give the person applying the information in any written statement filed with the declaration.

(8) A person who files a no-contact declaration may cancel the declaration at any time by notifying, in writing, the registrar general.

Applicant must comply with *Vital Statistics Act*

67 A person who applies to the registrar general under this Part must

(a) supply any proof of identity required by the registrar general, and

(b) if the application is for a copy of a record, pay the fee required under the *Vital Statistics Act*.

Contact by a director

68 In compelling circumstances affecting anyone's health or safety, a director may contact any of the following to share with or obtain from them any necessary information:

(a) a birth parent;

(b) if the birth parent is not available, a relative of the birth parent;

(c) an adopted person 19 years of age or over.

Mutual exchange of identifying information

69 (1) Any of the following may, in accordance with the regulations, register with the Provincial director to exchange identifying information:

(a) an adopted person 19 years of age or over;

(b) an adult relative of an adopted person 19 years of age or over.

(2) If an adopted person 19 years of age or over and a relative of the adopted person have both registered under this section, the Provincial director must notify each of them and disclose the identifying information provided by the other.

Director's right to information

70 (1) A director has the right to any information that

(a) is in the custody or control of a public body as defined in the *Freedom of Information and Protection of Privacy Act*, and

(b) is necessary to enable a director or an adoption agency to locate a person for the purposes of this Act or is necessary for the health or safety of an adopted person.

(2) A public body that has custody or control of information to which a director is entitled under subsection (1) must disclose that information to the director on request.

(3) This section applies despite the *Freedom of Information and Protection of Privacy Act* or any other enactment.

(4) If requested by a director, a director of child protection must disclose to the director any information that

(a) is obtained under that Act, and

(b) is necessary to enable the director or an adoption agency to exercise the powers or perform the duties or functions given to them under Parts 2, 3 and 4 and sections 61 and 62 of this Act.

(5) [Repealed 2014-14-15(b).]

Director's authority to collect information

70.1 A director may collect from a person any information that is necessary to enable the director to exercise his or her powers or perform his or her duties or functions under this Act.

Search and reunion services

71 (1) An adult who has obtained a record under section 63 or 64 or who was adopted under a law of a treaty first nation apply to the Provincial director for assistance in locating any of the following:

(a) if the applicant is an adopted person,

(i) a birth parent of the applicant,

(ii) an adult adopted sibling of the applicant, or

(iii) if a birth parent of the applicant is dead, an adult birth sibling of the applicant;

(b) if the applicant is a birth parent, an adult adopted child of the applicant.

(2) A birth parent who signed a consent to the adoption of a child may apply to the Provincial director for assistance in locating the child, if the child is 19 years of age or over.

(3) After the death of an adult who, as a child, was adopted under this Act, any predecessor to this Act or a law of a treaty first nation, any of the following may apply to the Provincial director:

(a) an adult child or adult grandchild of the deceased;

(b) if a child of the deceased is under 19 years of age, the child's surviving parent or guardian.

(4) An applicant under subsection (3) must provide a copy of the deceased's death certificate and may apply for assistance in locating

(a) a birth parent of the deceased,

(b) an adult adopted sibling of the deceased, or

(c) if the deceased's birth parent is dead, an adult birth sibling of the deceased.

(5) After the death of a birth parent whose child, who is an adult, was adopted under this Act, any predecessor to this Act or a law of a treaty first nation, another adult child of the deceased may apply to the Provincial director for assistance in locating the applicant's adopted birth sibling.

(6) An applicant under subsection (5) must provide a copy of the deceased's death certificate.

(7) No one is entitled to assistance under this section in locating a person who has filed a disclosure veto or a no-contact declaration.

(8) Subject to the regulations, the Provincial director may provide the assistance requested by an applicant under subsections (1) to (6).

(9) If a person located by the Provincial director wishes not to be contacted by an applicant, the Provincial director must not disclose any information identifying the name or location of the person.

(10) If a person located by the Provincial director wishes to be contacted by an applicant, the Provincial director may assist them to meet or to communicate.

(11) The Provincial director must inform an applicant if the person whom the applicant requested assistance in locating wishes not to be contacted, is dead or cannot be located.

Sharing of information with adoption agencies

72 (1) A director may disclose to an adoption agency any information in the records of the director, including information obtained by a director under section 70, if the disclosure is necessary to enable the agency to perform the duties or to exercise the powers and functions given to the agency under this Act.

(2) An adoption agency must not use or disclose information provided under subsection (1) except for the purpose for which it was provided.

Restriction on use and disclosure of certain information

73 Information in the parents' registry and information provided to a director under sections 60, 69, 70, 70.1 and 71 must not be used or disclosed for any purpose except the purpose for which it was provided.

Freedom of Information and Protection of Privacy Act

74 (1) Subject to subsection (2), sections 72 (2) and 73 apply despite any provision of the *Freedom of Information and Protection of Privacy Act*.

(2) Section 44 (1) (b), (2), (2.1) and (3) of the *Freedom of Information and Protection of Privacy Act* applies to this Act.

Part 6 — Administrative and Legal Issues

Transfer of care, custody and guardianship

75 (1) Subject to an agreement under section 77.1, a director, in writing, may transfer care and custody of a child or guardianship of a child

(a) to an administrator, or

(b) to another director,

with the consent of the administrator or the receiving director, as the case may be.

(2) Subject to an agreement under section 77.1, an administrator may, in writing, transfer care and custody of a child or guardianship of a child

(a) to a director, or

(b) to another administrator,

with the consent of the director or the receiving administrator, as the case may be.

Minister's authority to make agreements

76 For the purposes of this Act, the minister may make an agreement with any of the following:

(a) any Indian band or a legal entity representing an aboriginal community;

(a.1) the Nisga'a Nation or a Nisga'a Village;

(a.2) a treaty first nation;

(b) the government of Canada, the government of a province of Canada or the government of a jurisdiction outside Canada, or an official or agency of those governments;

(c) Community Living British Columbia established under the *Community Living Authority Act*;

(d) any other person or persons.

Designation of directors

76.1 (1) The minister may designate

(a) one or more persons as a director of adoption for the purposes of this Act, and

(b) a person as the Provincial director

(i) to exercise the powers and perform the duties and functions of the Provincial director that are specifically set out in this Act, and

(ii) to exercise any of the powers of a director designated under paragraph (a).

(2) A designation under subsection (1) must be in writing and may include any terms or conditions the minister considers advisable.

(3) A director and the Provincial director have jurisdiction throughout British Columbia in the exercise of the powers and in the performance of the duties and functions conferred on them under this Act.

Director's power to delegate

77 (1) Subject to subsections (2) and (3) and the regulations, a director may delegate to any person or class of person any of the director's powers, duties or functions under this Act.

(2) The delegation of the powers, duties or functions of the director must be in writing and may include any terms or conditions the director considers advisable.

(3) A delegation of the Provincial director's functions as the Central Authority for the purpose of the Convention must be in accordance with the Convention.

Agreements between directors

77.1 A director may make agreements with other directors.

Agreements with caregivers

77.2 A director or an administrator may, by agreement, authorize a caregiver to carry out any of the rights and responsibilities of the director or the administrator, as the case may be, with respect to the care, custody or guardianship of a child placed with the caregiver.

Inspection of records

78 (1) A person authorized by the Provincial director may, during regular business hours, do one or more of the following:

(a) enter any premises of an adoption agency and inspect the records and interview its staff to determine if the agency is complying with this Act, the regulations and any conditions of its licence;

(b) request records to be produced for inspection;

(c) on giving a receipt for it, remove any record from the premises to make copies.

(2) A person who removes a record must return it within a reasonable time of its removal to the premises from which it was removed.

Protection from liability

79 No person is personally liable for anything done or omitted in good faith in the exercise or performance or intended exercise or performance of

(a) a power, duty or function conferred under this Act, or

(b) a power, duty or function on behalf of or under the direction of a person on whom the power, duty or function is conferred under this Act.

Financial assistance

80 Subject to the regulations, a director may

(a) provide financial assistance or other assistance to a person who

(i) proposes to adopt or who adopts a child placed for adoption by a director, or

(ii) is a guardian, under the *Family Law Act*, of a child who was adopted under this Act, and

(b) review, alter or terminate the assistance provided.

Repealed

81 [Repealed 2011-25-277.]

Part 7 — Offences and Penalties

Contravening placement requirements

82 (1) A person must not place or arrange the placement of a child for the purposes of adoption unless the person is authorized by section 4 to do so.

(2) A person must not receive a child in their home for the purposes of adoption unless the child has been placed by a person authorized by section 4 to do so.

(3) A person must not receive a child placed in their home by direct placement unless the person has complied with section 8 (1) and is authorized under section 9 to receive the child.

(4) A person who contravenes this section commits an offence and is liable to a fine of up to $5 000.

Contravening interprovincial or intercountry adoption requirements

83 A person who contravenes section 48 (1) commits an offence and is liable to a fine of up to $5 000.

Paying or accepting payment for an adoption

84 (1) A person must not give, receive or agree to give or receive any payment or reward, whether directly or indirectly,

(a) to procure or assist in procuring a child for the purposes of adoption in or outside British Columbia, or

(b) to place or arrange the placement of a child for the purposes of adoption in or outside British Columbia.

(2) Subsection (1) does not apply to any of the following:

(a) a birth mother receiving from a prospective adoptive parent expenses that do not exceed those allowed under the regulations;

(b) a lawyer receiving reasonable fees and expenses for legal services provided in connection with an adoption;

(c) a health care provider receiving reasonable fees and expenses for medical services provided to a child who is the subject of an adoption or to the birth mother in connection with the pregnancy or birth;

(d) an adoption agency receiving fees and expenses that do not exceed those allowed under the regulations;

(e) any other persons prescribed by regulation.

(3) A person who contravenes this section commits an offence and is liable to a fine of up to $10 000 or to imprisonment for up to 6 months, or to both.

Advertising

85 (1) A person must not publish or cause to be published in any form or by any means an advertisement dealing with the placement or adoption of a child.

(2) Subsection (1) does not apply to any of the following:

(a) the publication of a notice under a court order;

(b) the publication of a notice authorized by a director;

(c) an advertisement by an adoption agency advertising its services only, without referring to specific children;

(d) an announcement of an adoption placement or an adoption;

(e) other forms of advertisement specified by regulation.

(3) A person who contravenes this section commits an offence and is liable to a fine of up to $5 000.

Making a false statement

86 (1) A person must not make a statement that the person knows to be false or misleading in an application or in connection with an application

(a) to register on the parents' registry under section 10 or to register under section 60 or 69,

(b) for a copy of a birth registration or other record under section 63 or 64, or

(c) to file a disclosure veto under section 65 or a no-contact declaration under section 66.

(2) A person who contravenes this section commits an offence and is liable to a fine of up to $5 000.

Contravening a no-contact undertaking

87 A person who contravenes section 66 (5) commits an offence and is liable to a fine of up to $10 000 or to imprisonment for up to 6 months, or to both.

Releasing confidential information for an unauthorized purpose

88 A person who contravenes section 42 (1), 72 (2) or 73 commits an offence and is liable to a fine of up to $5 000.

Offence Act

89 Section 5 of the *Offence Act* does not apply to this Act.

Limitation period

90 No proceeding for an offence under this Act may be commenced more than 2 years after the facts on which the proceeding is based first came to a director's knowledge.

Part 8 — Regulations

General regulation making power

91 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.

(2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations as follows:

(a) respecting when a person is or is not to be considered a

resident of British Columbia for the purposes of this Act;

(a.1) defining, for the purposes of this Act and the regulations, words or expressions used but not defined in this Act;

(b) designating representatives of the Nisga'a Lisims Government, treaty first nations, Indian bands and aboriginal communities;

(c) respecting how notice is to be given under section 8 (1);

(d) respecting the efforts to be made by a director or an adoption agency to notify parents or other guardians about whether their children have been placed for adoption;

(e) respecting adoption consents and the witnessing of consents;

(f) respecting homestudies, pre-placement assessments and post-placement reports;

(g) respecting the persons who are authorized to meet with a child for the purposes of making a report under section 30 (2);

(h) prescribing additional information to be filed with the court under section 32;

(i) limiting or varying the application of the law of British Columbia to an adoption in British Columbia to which the Convention applies;

(j) designating the competent authorities for any provision of the Convention;

(k) respecting the disclosure of information concerning the origin of a person adopted in accordance with the Convention;

(l) specifying how, by whom and the circumstances under which disclosure vetoes and no-contact declarations may be filed on behalf of persons who are incapable of filing them for themselves;

(m) governing the disclosure of information by the Provincial director under section 71;

(n) authorizing a director to enter into any form of agreement for the purposes of this Act and prescribing some or all of the contents of those agreements;

(o) governing the review of decisions made by a director or an adoption agency;

(p) respecting any condition on a director delegating any power, duty or function under this Act;

(q) respecting eligibility for financial assistance or other assistance under section 80, the forms of assistance and the terms to be

included in assistance agreements;

(r) allowing prospective adoptive parents to pay expenses of parents and specifying the types of expenses and limiting the amounts of those expenses;

(s) specifying other persons who are exempt from section 84 (1) (prohibiting payment for an adoption) or specifying any circumstances under which a person is exempt from section 84 (1);

(t) respecting other forms of advertising that are exempt from section 85 (prohibiting certain advertising);

(u) governing the payment of fees for applications, licences, registrations or other things done under this Act;

(v) prescribing forms, documents and reports for the purposes of this Act;

(w) respecting any matters necessary for more effectively bringing into operation the provisions of this Act and for obviating any transitional difficulties encountered in doing so.

(3) In making a regulation under this Act, the Lieutenant Governor in Council may provide differently for different categories of adoptions or different classes of persons.

Adoption agency regulations

92 (1) The Lieutenant Governor in Council may make regulations as follows:

(a) respecting the licensing of societies as adoption agencies;

(b) specifying conditions to be met and maintained by a society to obtain and retain a licence, including conditions relating to the content of its constitution and bylaws, the composition of its board of directors, the qualifications of directors and officers and the election or appointment of directors;

(c) respecting the suspension and cancellation of licences of adoption agencies;

(d) respecting the standards to be met by adoption agencies;

(e) respecting the information, documents and reports adoption agencies are required to submit to the Provincial director, the frequency of the submissions and the inspection of the information, documents and reports by the Provincial director or other person designated by the regulations;

(f) respecting the contents of advertisements and other promotional material that may be used by adoption agencies;

(g) respecting the surrender of records, accounts or other documents and information by adoption agencies to the Provincial director;

(h) setting the fees or other expenses adoption agencies may charge for services and prohibiting adoption agencies from charging fees or expenses for specified services;

(i) respecting any other matter necessary for the proper operation, management, administration and accountability of adoption agencies.

(2) If a regulation made under subsection (1) (b) conflicts with a provision of the *Society Act*, the regulation prevails.

Regulations about the parents' registry and other registrations

93 The Lieutenant Governor in Council may make regulations as follows:

(a) respecting how a person may apply to register under sections 10, 60 and 69, the information to be provided to the applicant and the information and proof of identity to be provided by the applicant;

(b) respecting how notices are to be given to anyone registered under this Act and specifying when a registration under section 10, 60 or 69 is to take effect;

(c) respecting how long a registration remains in force and respecting its cancellation or removal;

(d) respecting who may access information provided by a person who has registered under this Act and respecting confidentiality, security, disposal and disclosure of the information;

(e) respecting the administration, management and operation of the parents' registry.

Part 9 — Transitional and Other Provisions

Transition from former Act — general rule

94 Subject to the provisions of this Part and to any regulations made under section 91 (2) (w), sections 35 and 36 (1) of the *Interpretation Act* apply to all matters affected by the repeal of the former *Adoption Act* and its

replacement by this Act.

Application of the former Act

95 (1) If, before the repeal of the former *Adoption Act*, a child was placed for adoption by the director or a parent or other guardian of the child with a prospective adoptive parent, that Act continues to apply to all matters relating to the adoption of the child by that prospective adoptive parent.

(2) If, before the repeal of the former *Adoption Act*, a parent or other guardian of a child consented to the child's adoption and the child is placed for adoption by the director or that parent or guardian with a prospective adoptive parent after the repeal of that Act, that Act continues to apply to all matters relating to the adoption of the child by that prospective adoptive parent.

(3) If, before the repeal of the former *Adoption Act*, an application was filed under section 3 (2) of that Act or an application was made to adopt a child related by blood to the applicant or to adopt an adult, that Act continues to apply to all matters relating to that adoption.

Consents under the former Act

96 (1) Any consents given before the repeal of the former *Adoption Act* that were valid for the purposes of that Act are valid for the purposes of this Act.

(2) Any order dispensing with an adoption consent that was made before the repeal of the former *Adoption Act* is valid for the purposes of this Act.

(3) Section 19 of this Act does not apply to a consent given by a birth mother under the former *Adoption Act* before the repeal of that Act.

Homestudies under the former Act

97 A homestudy completed before the repeal of the former Act is valid for the purposes of this Act if

(a) it was completed by the director, or

(b) it was completed by a person approved by the board of the British Columbia College of Social Workers to do homestudies and it meets the standards of practice set by that board.

Director's reports

98 A report prepared by the director under section 6 of the former *Adoption Act* before the repeal of that Act is considered for the purposes of this Act to be a post-placement report.

Continuation of vetoes

99 If, before the repeal of the former *Adoption Act*, a person named on a birth registration indicated under section 13.3 of that Act that the person wished not to be contacted or a person filed a veto under section 13.4 (1) of that Act, that indication or veto has the same effect as a disclosure veto filed under section 65 of this Act.

Continuation of registrations

100 (1) A person who applied to the director under section 13.2 of the former *Adoption Act* is deemed to have registered under section 69 of this Act.

(2) Identification particulars and other information provided to the director under section 13.2 of the former *Adoption Act* are deemed to have been provided under section 69 of this Act.

Authorization, non-contravention, immunity from legal action and validation

101 (1) This section applies if, before the date this section comes into force, a director or a director of child protection placed a child with a person for the purposes of adoption when

(a) the child was in the continuing custody of a director of child protection, or

(b) a director of child protection was the child's personal guardian under section 51 of the *Infants Act*.

(2) Despite any decision of a court to the contrary made before or after the coming into force of this section, if a director or a director of child protection placed a child with a person for the purposes of adoption in the circumstances set out in subsection (1),

(a) the director or the director of child protection is conclusively deemed

(i) to have been authorized to place the child for adoption under section 4, as that section read on the date the child was placed for adoption, and

(ii) not to have contravened section 82 (1),

(b) the person with whom the child was placed is conclusively deemed not to have contravened section 82 (2), and

(c) the director is conclusively deemed to have been authorized

(i) under section 80 (a) to provide financial assistance or other assistance to the person with whom the child was

placed, and

(ii) under section 80 (b) to review, alter or terminate any assistance provided to that person,

as section 80 (a) or (b), as applicable, read on the date the assistance was provided, reviewed, altered or terminated.

(3) A person has no right of action and must not commence or maintain proceedings for a remedy set out in subsection (4) for any of the following reasons:

(a) the placement of a child by a director or a director of child protection for the purposes of adoption, but for subsection (2) (a) of this section,

(i) would not have been authorized under section 4, as that section read on the date the child was placed for adoption, and

(ii) would have contravened section 82 (1);

(b) the receipt of a child by a person for the purposes of adoption, but for subsection (2) (b) of this section, would have contravened section 82 (2);

(c) the provision of any financial assistance or other assistance by a director to a person with whom a child was placed for the purposes of adoption, but for subsection (2) (c) (i) of this section, would not have been authorized under section 80 (a);

(d) the review, alteration or termination by a director of any assistance described in paragraph (c) of this subsection, but for subsection (2) (c) (ii) of this section, would not have been authorized under section 80 (b).

(4) For the purposes of subsection (3), a person has no right of action and must not commence or maintain proceedings

(a) to claim damages or compensation of any kind from the government or any person,

(b) to obtain a declaration that damages or compensation is payable by the government or any person, or

(c) for any other remedy against the government or any person.

(5) The adoption of a child by a person with whom the child was placed, for the purposes of adoption and in the circumstances set out in subsection (1), by a director or a director of child protection is not invalid by reason that, but for this section, the placement of the child for adoption

(a) would not have been authorized under section 4, as that section read on the date the child was placed for adoption, and

(b) would have contravened section 82 (1) and (2).

(6) The provision of any financial assistance or other assistance under section 80 (a) or the review, alteration or termination of any assistance under " xlink:type="locator">section 80 (b) is not invalid by reason that, but for this section, the provision, review, alteration or termination of the assistance would not have been authorized under section 80, as that section read on the date the assistance was provided, reviewed, altered or terminated.

(7) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter because it makes no specific reference to that matter.

Appendix 2: Norway's Adopsjonsloven [The Adoption Act – English translation]

Government.no

The Adoption Act

ACT OF 28 FEBRUARY 1986 NO. 8 RELATING TO ADOPTION

Law | Published: 2001-05-31 | Ministry of Children and Equality
(http://www.regjeringen.no/en/dep/bld/id298/)

The Adoption Act was last amended 25th of April 2014.

Chapter 1. Conditions for adoption, etc.

Section 1.

Adoption shall take place subject to an adoption order made by the Ministry.

When the County Social Welfare Board has made a decision pursuant to section 4-20, second and third paragraphs, of the Child Welfare Act, and the decision is final, the Ministry shall issue the adoption order without examining whether the conditions laid down in the Act are met,

The King may prescribe regulations to the effect that the public law provisions of the Act shall be made applicable to Svalbard and lay down special rules to suit local conditions.

Section 2.

An adoption order must only be issued when it can be assumed that the adoption will be in the best interests of the child. It is further required that the person applying for an adoption either wishes to foster or has fostered the child, or that there is another special reason for the adoption.

Section 3.

An adoption order may only be issued to a person who has reached 25 years of age. However, when there are strong reasons for doing so, the Ministry may issue an order to a person who has reached 20 years of age.

An order allowing a parent to adopt his or her biological child may only be issued if such adoption will be of significance for the child's legal status, or in the case of a new adoption of a child who has been adopted.

Section 3 a.

In connection with the processing of an application for adoption, the Ministry shall require the presentation of an exhaustive criminal record certificate.

Section 4.

A person who has been declared incapable of managing his or her own affairs may only adopt with the consent of his or her guardian.

Section 5.

A person who is married or is a cohabitant may only adopt jointly with his or her spouse or cohabitant, unless the spouse or cohabitant is insane or mentally retarded or is missing.

Persons other than spouses or cohabitants may not adopt jointly.

Section 5 a.

For the purposes of this Act, the term “cohabitants” means two persons who live together in a stable, marriage-like relationship.

Section 5 b.

One of the spouses or cohabitants may, with the consent of the other spouse or cohabitant, adopt the latter’s child unless they are spouses or cohabitants of the same sex and the child is an adopted child originating from a foreign state that does not permit such adoption.

One of the partners in a registered partnership may, with the consent of the other partner, adopt the latter’s child unless the child is an adopted child originating from a foreign state that does not permit such adoption.

A divorced spouse or registered partner may, with the consent of the former spouse or registered partner, adopt the latter’s child. This only applies where one parenthood relationship has been established for the child, and this parent is divorced from the person who is applying for adoption. A corresponding right applies to cohabitants when the cohabitation relationship has been dissolved.

A surviving spouse, registered partner or cohabitant may adopt a child of his or her former spouse, registered partner or cohabitant. This only applies when one parenthood relationship has been established for the child, and this parent is deceased.

Section 6.

A child who has reached 7 years of age, and younger children who are capable of forming their own opinions, shall be informed and given an opportunity to express their view before a decision is made as to whether an adoption order is to be issued. The opinion of the child is to be given due weight in accordance with the age and maturity of the child.

A child who has reached 12 years of age may not be adopted without his or her consent.

When requested, the municipality shall assist the authority responsible for issuing the adoption order in obtaining information regarding the case pursuant to the first paragraph and in obtaining consent pursuant to the second paragraph.

Section 7.

A person under 18 years of age may not be adopted without the consent of the person or persons who have parental responsibility. If one of them is missing, insane or mentally retarded, the consent of the other is sufficient. If both persons are missing, insane or mentally retarded, the consent of the guardian is required.

The parents may not give their consent until two months after the birth of the child.

A father or mother who does not share parental responsibility shall, as far as possible, be given the opportunity to express an opinion before a decision is made. If a person other than the father or mother has been appointed guardian of the person who is to be adopted, the guardian shall also be permitted to give his opinion.

Section 8.

A person who has been declared incapable of managing his or her own affairs may not be adopted without the consent of his or her guardian.

Section 9.

The King may, with retroactive effect, approve an adoption order that was issued despite non-fulfilment of the conditions laid down in this Act.

Section 10.

The issue of the validity of an adoption order may not be the subject of a preliminary ruling in a case concerning another issue.

Chapter 2. Anonymous adoption, duty to provide information

Section 11.

Section 18, first paragraph, of the Public Administration Act shall not preclude the parties in an adoption case from remaining unknown to one another (anonymous adoption).

Section 12.

Adoptive parents shall, as soon as is advisable, tell the adopted child that he or she is adopted.

When the child has reached 18 years of age, he or she is entitled to be informed by the Ministry of the identity of his or her biological parents.

Chapter 3. Effects of adoption, etc.

Section 13.

On adoption, the adopted child and his or her heirs of the body shall have the same legal status as if the adopted child had been the adoptive parents' biological child, unless otherwise provided by section 14 or another statute. At the same time, the child's legal relationship to his or her original family shall cease, unless otherwise provided by special statute.

If a spouse or cohabitant has adopted a child of the other spouse or cohabitant, the said child shall have the same legal status in relation to both spouses or cohabitants as if he or she were their joint child. The same applies to children adopted pursuant to section 5 b, second, third and fourth paragraphs.

Section 14.

A special provision may be made in the adoption order regarding the religious upbringing of the adopted child.

Section 14 a.

Visiting access after adoption.

In the case of adoptions carried out as a result of decisions pursuant to section 4-20 of the Child Welfare Act, the effects of the adoption that follow from section 13 of the present Act shall apply, subject to any limitations that may have been imposed by a decision pursuant to section 4-20 a of the Child Welfare Act regarding visiting access between the child and his or her biological parents.

Section 15.

If the child is adopted anew by any person other than the adopter's spouse, cohabitant or registered partner, the legal effects of the first adoption shall cease in relation to the first adoptive parents and their relatives.

Section 16.

Note of an adoption order shall be made under the name of the adopted child in the national population register and in any other such public records as the Ministry may decide.

Chapter 3A. Placement for adoption and approval of adoptive homes

Section 16 a.

For the purposes of this Act, the term “placement for adoption” shall mean any activity for the purpose of creating contact between children who may be adopted and persons who wish to adopt, including any registration or investigation of persons seeking to adopt, registration of children who may be adopted or selection of parents for an individual child.

Section 16b.

It is prohibited for private individuals to engage in any arrangements for the placement of children for the purposes of adoption. Organizations are prohibited from engaging in such arrangements without the permission of the Ministry, cf. section 16 d.

Any person who wilfully contravenes the prohibition set out in the first paragraph or is an accessory thereto is liable to fines or imprisonment for up to three months. An attempt shall be liable to the same penalty as a completed offence.

Section 16c.

The Ministry will appoint a committee for the placement for adoption of children who are resident in Norway.

The Ministry may issue further regulations regarding placement.

Section 16d.

Organizations may be granted permission by the Ministry to arrange the placement of children from a foreign state for the purposes of adoption. Such permission shall only be granted to organizations whose main purpose is such placement. The organizations shall be operated on the basis of what are assumed to be the best interests of the child and shall not be concerned with financial gain.

Such permission shall be granted for a limited period of time and shall specify the foreign state or states to which it applies.

The Ministry may by regulations determine which further requirements may be imposed on the organization, its activity and its winding-up.

The Ministry shall supervise the activity and may order the organization to rectify matters that are contrary to a statute, regulation or condition for permission. Permission may be retracted in the event of non-compliance with a statute, regulation or condition for permission.

Section 16 e.

A person who is resident in Norway must not adopt a child from a foreign state without the prior consent of the Ministry.

The Ministry shall assess the applicants before consent pursuant to the first paragraph is given. When the Ministry so requests, the municipality shall assist in providing information relating to an application for prior consent pursuant to the first paragraph.

The municipality shall also assist in providing information relating to an application for adoption after the child has arrived in Norway, so that the adoption may be carried out.

The Ministry may make regulations prescribing further rules regarding procedure, investigation of the applicants, conditions for giving prior consent and requirements regarding the suitability of the applicants, including requirements regarding age, health, good conduct, the length of the applicants' relationship, finances, housing and participation in courses to prepare for adoption. The Ministry may also make regulations prescribing special requirements for single applicants.

Section 16 f.

Adoption of children residing in a foreign state shall take place through an organization which, pursuant to section 16 d, first paragraph, has been granted permission by the Ministry to engage in such activity.

In special cases, the Ministry may consent to the adoption of a child residing in a foreign state taking place without the agency of an approved organization.

Chapter 4. Issues relating to private international law

Section 17.

An application for an adoption order shall be decided in Norway if the applicant is a resident of Norway, or if the Ministry consents to the case being dealt with in Norway.

Section 18.

The application shall be decided in accordance with Norwegian law.

If an application is made for the adoption of a child under 18 years of age, in deciding the application importance shall be attached to whether the adoption will also be valid in any foreign state with which the applicant or the child has such a strong connection by way of residence, nationality or in any other way that it would entail considerable disadvantage to the child if the adoption were not valid there.

Section 19.

An adoption that has been effected and is valid in a foreign state (intercountry adoption) shall be valid in Norway, provided that when the adoption was effected, the adopter(s) was (were) resident(s) or national(s) of the foreign state in which the adoption was effected. Similar validity is also accorded to an adoption that has been effected in a state other than the aforementioned, provided that the adoption is recognized in the state in which the adopter(s) resided at the time of the adoption.

However, an adoption of a child who was under 18 years of age and resident in Norway at the time of the adoption shall not be valid in Norway unless the Ministry has consented to the adoption.

In individual cases, the Ministry may decide whether an intercountry adoption is valid in Norway pursuant to the provisions of the first paragraph. The Ministry may recognize an intercountry adoption that is not covered by the first paragraph.

A foreign decision concerning the annulment of an adoption in a case in which one of the adoptive parents or the adopted child is resident in Norway at the time of the annulment shall not be valid in Norway unless the Ministry consents to the annulment.

Section 20.

An intercountry adoption shall not be valid in Norway if it would obviously be contrary to Norwegian public policy (*ordre public*).

Section 21.

When an intercountry adoption is valid in Norway, the adopted child shall be regarded as the adopter's(s') own child in respect of guardianship, parental responsibility and the duty of maintenance.

As regards the right to inherit on the basis of an intercountry adoption, the law that otherwise applies to the right to inherit from the deceased (the inheritance statute) shall apply, regardless of which state's law the adoption decision is based on.

Section 22.

When consent has been given pursuant to section 16e, the intercountry adoption shall be valid in Norway. The Ministry may decide that it shall have the same legal effect as a Norwegian adoption.

Section 23.

The King may by regulations authorize departures from the provisions of sections 17 to 22 above if this is necessary in order to fulfil Norway's obligations pursuant to an agreement with a foreign state.

Chapter 5. Commencement, amendments to other Acts, etc.

Section 24.

This Act shall enter into force on the date the King decides.

From the date this Act enters into force, ... shall be repealed.

From the same date, the following amendments shall be made to other Acts:

Section 25.

The provisions of this Act shall also apply to adoptive relationships established before the Act entered into force. However, for adoptive relationships established before 1 July 1957 this shall only be the case when they are based on section 15b of Act of 2 April 1917 No. 1 relating to adoption, as it read after its amendment by Act of 24 May 1935 No. 2.

Ministry of Children and Equality

TOPIC

Families and children