“Permanency Doesn’t End at 19”:
Adult Adoptions and Long-term Permanency for Former Youth in Care

By
Tabitha Foulkes

Research Project submitted in Partial Fulfillment of the Requirements for the Degree of
MASTER OF ARTS IN DISPUTE RESOLUTION
In the School of Public Administration
University of Victoria
June 2016
Supervisory Committee

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Acknowledgements

This research would not have been possible without the time, energy, and input of many people. First, I would like to thank my supervisor M. Jerry McHale, QC, for his insight, wisdom, and encouragement throughout this process. Your attention to detail and abundant knowledge on public policy has made this project much stronger. Thank you to Dr. Gord Miller for your passion and commitment to the well-being of young adults in our province, and for providing me with such a rich learning environment. I also want to acknowledge and thank Dr. Anne Clayton, my client at MCFD. Your dedication to permanency for all of BC’s children and youth is truly inspirational – thank you for entrusting this research project to me.

My family and friends have been instrumental throughout the past few years of graduate school. In particular, I would like to thank my mother for always encouraging me to continue in my studies and for the countless discussions on our dreams for youth and young adult services. Thank you to Chris for being one of the inspirations to pursue a masters, and for always encouraging, supporting, and challenging me to be my best.

I would also like to thank my peers and colleagues – especially Julie and Cameron. Your friendship, support, and many hours at the library have made this process as enjoyable as it could be.

A special thank you to Diana Moffat, Kim Shelford, John Green, Evon Soong, and many other staff at MCFD for your support and encouragement with this research. The commitment and vision you bring to your work never ceases to amaze me.

Most of all, I want to thank the research participants who brought their voices and wisdom to this project. It has been a true honour to connect with you and hear your stories.

Finally, I would like to acknowledge the traditional territories of the WS’ANEC’ (Saanich), Lkwungen (Songhees), and Wyomilth (Esquimalt) peoples on whose land I have had the privilege to study, live, and grow on for the past 8 years.

Dedication

This research is dedicated to all the youth and young adults who I have had the pleasure to work with. Your resilience, strength, and ability to find joy amongst hardship will continue to inspire me. May you find connection, permanency, and family in all its shapes and forms.
# Table of Contents

Executive Summary ........................................................................................................... 6

Section One - Introduction ................................................................................................. 10

1.1 Research Problem, Project Objective, Research Questions, and Project Deliverables .......... 12

Research Problem .............................................................................................................. 12

Objective ............................................................................................................................ 13

Research Questions .......................................................................................................... 14

Project Deliverables ......................................................................................................... 14

Section Two - Background and Context ............................................................................ 15

2.1 Project Client ................................................................................................................ 15

2.2 Adoption in BC ............................................................................................................ 15

2.3 Adult Adoption in BC .................................................................................................. 16

Policy Rationale for the Existing s. 44 2(a) ...................................................................... 17

Why an Adult Adoption? ................................................................................................... 18

The Adult Adoption Process in BC .................................................................................... 19

2.4 Youth Transitions in BC ............................................................................................. 21

Section Three – Literature Review .................................................................................... 24

Part 1: ................................................................................................................................ 24

Policy and Practice Considerations .................................................................................... 25

Part 2: ................................................................................................................................ 30

Section Four - Methodology ............................................................................................... 42

Section Five - Cross Jurisdictional Scan ........................................................................... 44

Australia .............................................................................................................................. 44

New Zealand ...................................................................................................................... 47

United Kingdom ................................................................................................................ 48

South Africa ........................................................................................................................ 48

Europe ................................................................................................................................ 48

The United States ............................................................................................................... 49

Canada ................................................................................................................................. 51

Section Six – Key Informant Interviews .......................................................................... 60

6.1 Data Analysis ................................................................................................................ 60

6.2 FYIC Participants ......................................................................................................... 61

6.3 MCFD Participants ...................................................................................................... 66

6.4 Cross Jurisdictional Participants ................................................................................. 69
Executive Summary

Introduction
In British Columbia, adult adoption is regulated by s. 44 of the Adoption Act. One of the requirements that must be satisfied in order for an adult adoption to be granted is that, “the 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”. The Guardianship, Adoption, and Permanency (GAP) branch, the area of the Ministry of Children and Family Development (MCFD) that oversees adoptions, has noted that this residency requirement is creating unintended barriers to permanency. In particular, some former youth in care (FYIC) state that they often create family-like relationships with caring adults after leaving foster care, and it is generally not with someone whom they resided with while still a minor. Moreover, the legislation is clear that the adoptee must reside with the prospective adoptive parent immediately before becoming self-supporting or becoming an adult, and so relationships that were formed before leaving care would also need to meet this threshold. As a consequence of this residency requirement, some FYIC are prevented from completing an adult adoption and having their family unit legally recognized. In response, MCFD is considering a legislative amendment to eliminate this barrier to permanency. This research study will provide research, discussion, and recommendations to help inform a decision respecting such a legislative amendment to s. 44 (a) of the Adoption Act.

Primary Research Questions:

• What are the benefits and drawbacks of amending the Adoption Act to remove the residency requirement for the adoption of adults who are FYIC?

• What is the policy rationale for the existing s. 44 2(a) of the Adoption Act?

Secondary Research Questions:

• What are the perspectives of FYIC on adult adoption generally, and respecting the s.44 residency requirement?

• What are the effects of adult adoption on the young adult in their transition to adulthood?

• How does the criteria for adult adoption in s. 44 2(a) of the Adoption Act compare to the equivalent legislation in other jurisdictions?

• Should s. 44 2(a) be amended for FYIC only, or should amendments also apply to the general public?
Methodology

The examination of adult adoptions was conducted in three ways: a cross jurisdictional scan, qualitative interviews with three stakeholder groups, and a literature review. An inductive approach was taken, in which the themes and findings of the qualitative interviews informed the theoretical underpinnings of the literature review.

Cross Jurisdictional Scan: Adult adoption legislation and policy across diverse jurisdictions was reviewed. Generally speaking, adult adoptions are allowed in many jurisdictions, although it remains an uncommon practice. Jurisdictions have a variety of ways of regulating adult adoptions, with a number requiring that a pre-existing familial relationship must be present. Some jurisdictions also have residency criteria in their legislation, but it is not clear if such criteria are creating barriers like those noted in BC. Alberta is unique, in that it is the only jurisdiction with its own piece of adult adoption legislation. Alberta has also developed a “self-help toolkit” that assists applicants throughout all stages of the adult adoption process.

Qualitative Interviews: Interviews were conducted with three stakeholder groups: FYIC in BC, MCFD employees, and permanency and adoption specialists from jurisdictions across Canada. Braun and Clarke’s (2006) six-stage process to thematic analysis was employed to code and analyze the data.

- FYIC: In total, six FYIC participated in an interview. Four participants identified as female and two participants identified as male. The ages of participants ranged from 23-48 years, with an average age of 34.2 years. The cumulative amount of time spent in government care for the six participants was 74 years, with an average of 12.3 years. While the ethnicity of participants was not asked, two participants identified as Aboriginal. Participants lived in different areas throughout the province, including Vancouver Island, the Lower Mainland, and South-Central BC.

- MCFD Employees: Four MCFD employees participated in interviews. The participants held various professional roles, including Team Leaders, Guardianship workers, and Adoption Recruitment workers. One participant also identified as having been adopted as an adult, and spoke of their personal experience throughout the interview.

- Cross Jurisdictional Participations: In total, representatives from 4 jurisdictions were interviewed and one additional province provided information via email. In one jurisdiction, a representative from a youth-serving non-profit agency was also interviewed, providing a community service
perspective. The jurisdictions that participated include Alberta, Manitoba, Nova Scotia, New Brunswick, and Prince Edward Island.

- **Literature Review:** Adult adoption is an under-researched area of policy and practice by both academics and policy makers. The focus of discussion thus far has been on issues with adult adoptions – specifically, the use of adult adoptions for ulterior purposes like inheritance or creating marriage-like relationships for same-sex couples. Only one grey literature article was found directly linking the benefits of adult adoptions for FYIC. At the same time, there is a growing body of research on the social, relational, and permanency needs of FYIC. While not specifically discussing adult adoptions, such research highlights the critical need for child welfare systems to refocus attention on the long-term permanency needs of youth and young adults.

**Key Findings**

It is evident that adult adoption is not widely practiced or known about. However, participants across the research groups expressed interest in the use of adult adoptions to facilitate permanency for FYIC. The research participants who had personal experience with adult adoptions discussed the benefits and challenges of the current system, arguing that the lack of accessible information and the residency clause in s. 44 2(a) are creating barriers. All but one research participant stated that the residency clause is unnecessary and should be repealed.

The interviews also emphasized that much more needs to be done to facilitate healthy, long-term connections for youth aging out of care. Numerous participants stated that the need for permanency does not arbitrarily end at the age of 19, and that child welfare organizations must do more to support youth and young adults.

Systemic issues in the child welfare system were also raised. The FYIC interviewed felt that many social workers do not believe youth want or need long-term families. The FYIC participants shared that adoption was never raised during their case planning and no information was provided on the option of adult adoptions. Research participants also felt that they were not included in their case planning, and that important decisions were made about their lives without genuine consultation. These participants stressed the integral importance of getting to know youth, to properly understand their unique permanency needs and desires.
While some Canadian jurisdictions have statutory requirements to demonstrate that a parent/child-like relationship exists, none are as specific or restrictive as BC’s legislation. When speaking to representatives in other Canadian jurisdictions, it was stated that adult adoptions are uncommon and that no issues or barriers have been raised as a result of the legislation. At this time, no other jurisdictions are examining adult adoption legislation and its potential for FYIC. Instead, resources are being focused on assisting youth in the transition process by providing funds for education or housing. This means that BC is in a unique position to provide leadership in promoting adult adoptions as a permanency option for FYIC. Amending the residency clause is in the best interests of FYIC, and therefore, is a good public policy move for MCFD.

**Recommendations**

The following recommendations are informed by the literature review, cross jurisdictional scan, and interviews with the three stakeholder groups. The recommendations are listed in the following sequence as they build upon each other, and in doing so, strengthen the child welfare system to meet the unique permanency needs of youth and young adults.

Shifting the current child welfare paradigm so that it is more responsive to this demographic involves refocusing on the permanency needs of youth and young adults. Such a culture will prioritize including youth in their case planning, discussing the variety of ways permanency can look, and explaining the benefits of both minor and adult adoptions. This work would be further supported by generating opportunities for youth and young adults to build relationships with caring adults, and by educating diverse people on the adult adoption process. Implementing such mechanisms will support young people in their transition to adulthood generally, and also better prepare them for considering adult adoptions as a possibility. Amending s. 44 2 (a) so that adult adoption is more accessible, in tandem with these other concrete actions, will ensure that the adult adoptions process is as strong and effective as possible.

1. Create a child welfare culture that prioritizes the permanency needs of older youth and young adults.

2. Generate opportunities for youth and young adults to build relationships with caring adults;

3. Devise mechanisms to educate the public, youth in care, FYIC, prospective adoptive parents, and social workers on the adult adoption process;

4. Support FYIC in their search and attainment of permanency after leaving care; and

5. Amend Section 44 2(a) of the *Adoption Act* to remove the existing residency clause.
Section One - Introduction

For many young people, becoming an adult is an exciting, transformational period that is characterized by independence, self-discovery, and identity formation. The transition to adulthood occurs at different times and ages, and can be defined by significant events such as completing high school, attending post-secondary, becoming financially independent and moving away from the family home. Such transitions are often based on the individual readiness of each young adult, and occur anytime between the late teens to the late twenties (Arnett, 2006). However, for youth in government care, this life phase occurs at a distinct and static time – in British Columbia, youth “age out” of care on their 19th birthday. While some post-majority supports and services are offered by the Ministry of Children and Family Development (MCFD), many former youth in care (FYIC) feel overwhelmed, isolated, and unprepared to face adulthood on their own (Courtenay et al., 2011; Czeck, 2015; Rutman, Hubberstey & Feduniw, 2007, Tweedle, 2005).

Those working in the areas of child and youth development have noted that it is becoming increasingly difficult for young adults to reach full independence in their late teens or early twenties (Arnett, 2006). It is quite common for young adults to return to their caregiver’s home a number of times before being stable enough to live independently for the long-term. ‘Emerging adulthood’ has been proposed as a distinct developmental stage between adolescence and adulthood. This time period has its own unique characteristics and challenges that set it apart from adolescence and adulthood (Berzin, Singer & Hokanson, 2014, p. 616). Such challenges are further compounded for FYIC, as they often do not have a stable caregiver who is able to provide them a home, resources, or emotional support (Munson et al., 2013).

Young adults rely on their primary caregivers for support, advice, and connection, in addition to meeting their basic needs. FYIC do not have the luxury of returning to a family home if they struggle to pay for rent and food; their safety net is significantly smaller than other young adults their age. Moreover, this demographic of young adults has faced varying degrees of trauma and marginalization due to their earlier life experiences and being in government care – meaning that they are likely less prepared than the average young person to deal with the challenges of adulthood (Cowan, 2004; Czeck, 2015; Rutman et al., 2007).

The life chances and outcomes for many FYIC are typically grim. Numerous research studies note that young adults who have spent time in government care are far more likely to have a mental health diagnosis, be incarcerated, be dependent on social assistance long-term, face homelessness, and have low
educational attainment, amongst other social barriers. Early parenthood is also common for many FYIC (Triseliotis, 2002; Cowan, 2004; Osgood, Foster, Flanagan & Ruth, 2005; Smith, 2011).

The general public is gaining a deeper understanding of the challenges that FYIC face as there has been greater exposure to the issues recently: for example, the Vancouver Sun released a six-part film and articles series entitled “From Care to Where” investigating the experiences of FYIC in BC as they transition to adulthood. In 2014, the Representative for Children and Youth (RCY) - the oversight body for the BC child welfare system - released a report titled *On Their Own: Examining the Needs of BC Youth as They Leave Government Care* which explores the current situation for FYIC in BC and offers specific recommendations on how to address the poor outcomes of FYIC. More recently, an investigative report into the placement of children and youth in care in hotels was released by the RCY. This report comes on the heels of the death of Alex Gervais, an 18-year-old Aboriginal male who was housed alone in a hotel for 3 months before falling or jumping to his death on September 18th, 2015 (RCY, 2016). Needless to say, the challenges facing youth in and from care is garnering greater attention from both government and society.

MCFD is the provincial ministry that is responsible for the well-being of children and youth in government care. MCFD’s commitment to supporting young adults transitioning out of care is growing; the MCFD 2015-2018 Service Plan outlines a number of key steps to be taken, including:

1. Enhancing planning and preparation for youth transitions;
2. Establishing a Provincial Director’s Youth Advisory Council;
3. Exploring options to extend post-majority supports and services for an additional 2 years; and
4. Identifying gaps in services by mapping the current state of support for youth leaving care
   (MCFD, 2014)

In particular, facilitating opportunities for FYIC to have connections with caring adults is of high priority. The first goal of the Service Plan (2014) is to “achieve permanency for children and youth in care and support transitions to adulthood” (p. 2). More specifically, the goals are that:

- (1)“children and youth in care will have a culturally meaningful and legally permanent relationship with a caring adult”; and
- (2) “youth and young adults are prepared for adulthood” (p.2).

**Adult Adoptions**

This research study aligns with the above strategic priorities by examining the current adult adoption legislation in BC. Adult adoption is any adoption that takes place after the age of majority, meaning that
all adult adoptees in BC are 19 years of age or older. The reason for examining adult adoptions is to explore how FYIC are impacted by the current legislation, to consider the opportunities that adult adoptions might provide in creating permanent families after leaving government care, and to understand any policy implications that adult adoption raises.

1.1 Research Problem, Project Objective, Research Questions, and Project Deliverables

Research Problem
Many FYIC leave foster care without connections to at least one caring and supportive adult. The loss of relationships, whether it be a birth parent, foster parent, social worker, or other support is significant for FYIC, especially those subject to a Continuing Custody Order (CCO) whose relationship with birth parents was legally severed. As FYIC progress through adulthood, they may identify people in their lives who they would like to have a more permanent, long-term and legal connection with – someone who they consider to be family.

MCFD works with the concept of “permanency”, which has different meanings depending on each child, family, or situation. The objective of permanency is to ensure that every child and youth has “safe, stable and enduring family relationships…through reunification, adoption, transfer of guardianship or other meaningful lifelong connections” (MCFD, 2012, p. 53). This research project primarily examines legal permanency, such as adoption or guardianship, in which a court determines the relationship between a “child” and caregiver. The four domains of permanency - legal, relational, physical, and cultural – are explored in more depth later in the paper.

Adoption under British Columbia’s Adoption Act usually involves children ages 0-18. However, there are situations in which young adults, particularly FYIC, want to have a caring and supportive adult adopt them. The Executive Director of the Guardianship, Adoption, and Permanency (GAP) branch has heard from some FYIC that specific provisions within the current adult adoption legislation are preventing them from being adopted after leaving care, and not being adopted interferes with their achievement of permanency. Often, FYIC create their own families with a caring adult(s) after they have aged out of care, and most often it is not with someone with whom they lived with as a child.

Currently, s. 44 of the Adoption Act, which governs the adoption of adults, requires that the young adult (adoptee) has lived and been maintained, while a minor, by the potential adoptive parent until they were self-supporting or became an adult. Each prospective adoptive parent must also be a resident of BC for at
least six months - this is commonly referred to as a “residency requirement”. However, for the purposes of this report, the terms ‘residency requirement’ or ‘residency clause’ refer to s. 44 2(a) – the requirement that the young adult lived with and was maintained by the applicant:

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 the 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.

The residency requirement in 2(a) has been highlighted as a barrier for achieving legal permanency. To address this potential barrier, the Provincial Director of Adoption is considering recommending a legislative amendment to the Adoption Act to change the residency requirement, with the intention of making adult adoptions more accessible. Eliminating the requirement that a prospective adoptee must have lived with and been maintained by an applicant while they (prospective adoptee) were a minor, and until they became an adult, will make it is easier for FYIC to create legal families once they have aged out of care.

There is also discussion on whether amendments to the Adoption Act should benefit only former CCOs/FYIC, or if it should also be applicable to the general public. If the requirement for living with and being maintained by the applicant is removed only for FYIC, then this residency stipulation would remain in place as a barrier to any other adult adoption.

**Objective**

MCFD recognizes that FYIC struggle with various issues after leaving care, and is committed to improving the outcomes of these young adults. The objective of this research is to investigate and assess the pros and cons of amending the residency requirement in s. 44 2(a) of the Adoption Act to ensure that no unnecessary barriers to legal permanency are created. In particular, the unique permanency needs of FYIC are explored, as adult adoptions may provide another avenue for creating legal families after
leaving care. MCFD acknowledges that a variety of options, including adult adoptions, are needed to meet the unique permanency needs of this demographic.

**Research Questions**

This research is guided by a number of questions in order to gain a better understanding of adult adoption in BC, with a specific focus on FYIC.

The primary research questions are:

- *What are the benefits and drawbacks of amending the Adoption Act to remove the residency requirement for the adoption of adults who are FYIC?*

- *What is the policy rationale for the existing s. 44 2(a) of the Adoption Act?*

Secondary research questions include:

- *What are the perspectives of FYIC on adult adoption generally, and respecting the existing residency requirement?*

- *What are the effects of adult adoption on the young adult in their transition to adulthood? How does the criteria for adult adoption in s. 44 2(a) of the Adoption Act compare to the equivalent legislation in other jurisdictions?*

- *Should s. 44 2(a) be amended for FYIC only, or should amendments also apply to the general public?*

**Project Deliverables**

There are two deliverables from this research:

1. A comprehensive research report and recommendations based on a literature review, cross jurisdictional scan, and primary research with three stakeholder groups; and

2. A summary presentation of the study and its findings that will be delivered to MCFD.
Section Two - Background and Context

2.1 Project Client

MCFD provides services and supports to children, youth, and families through six distinct service streams: Early Years; Children and Youth with Special Needs; Child and Youth Mental Health; Child Safety; Family Support and Children in Care; Youth Justice; and Adoption. Under the CFCSA, MCFD has the mandated responsibility to provide support and care for children and youth up until their 19th birthday, at which age they are considered independent adults. Services are provided through regional ministry offices and by 23 Delegated Aboriginal Agencies (DAAs) located across the province.

While the client for this project is MCFD as a whole, the ministry sponsor for this project is the Executive Director of the GAP branch, who is also the Provincial Director of Adoption. The GAP team provides information and resources to MCFD staff to ensure that best practices are followed in the delivery of guardianship, adoption and permanency planning services for children and youth who are in the continuing care of MCFD.

As part of these responsibilities, the branch ensures that front-line staff are familiar with provincial and federal laws and United Nations conventions that protect the rights of children and youth, to ensure they are involved in decisions that affect them and that their rights are upheld.

The branch also supports the practice of MCFD staff who carry out adoption responsibilities, and provides services to adoptive persons. The branch licenses and monitors adoption agencies through the Provincial Director of Adoption, and operates several post-adoption registries (MCFD GAP website, 2015).

2.2 Adoption in BC

Adoption in British Columbia is guided by the Adoption Act, which was introduced in 1996 and replaced legislation that was written in the 1950s. The legislative changes in the current act reflect the evolution in societal values towards adoption, specifically regarding adoption openness (the ability for an adopted child to remain in contact with their biological family). There is also increased attention paid to the rights of the child, as their interests and well-being are the paramount consideration.
All adoptions in the province, private and government, fall under the same regulations. Only MCFD and non-profit adoption agencies licensed by the ministry are authorized to place children for adoption. These agencies must provide a full range of adoption services, including:

- Counselling of parents considering placing a child for adoption to ensure they are aware of their alternatives;
- A home study to assess the suitability of people applying to adopt;
- Placing infants for adoption;
- Completion of legal requirements; and
- Post-adoption support.

The *Adoption Act* also gives some children a say in adoption. The views of children between ages 7 and 11 must be considered, and if the child is 12 years or older, their consent to adoption or a change of name is required (MCFD, n. d.)

Statistically, the older a child is the less likely they are to be adopted (Cowan, 2004; Massinga & Pecora, 2004):

- Youth ages 12 and older in BC have made up only 12 percent of all adoptions since April 2003, and this percentage has remained stable over the years. (MCFD, 2012, p. 53);
- Over the past several years, children under the age of 12 were at least 3 times more likely to find an adoptive home than youth over the age of 12 (MCFD, 2013, p. 73); and
- Over the past decade, youth ages 12 and older have made up 8-15 percent of all adoption placements annually (MCFD, 2013).

At the same time, approximately 700-1000 youth are aging out of care on an annual basis. This number includes youth who are subject to CCOs and those accessing Agreements with Young Adults (AYA) (MCFD, 2014; RCY, 2014).

### 2.3 Adult Adoption in BC

Adult adoption is governed by s. 44 of the *Adoption Act*, and deals with all adoptions that occur after the age of majority. As adult adoption falls outside of MCFD’s core mandate, the agency has very little involvement in the process, apart from addressing questions when they arise. The only data that is collected on adult adoptions is by the Vital Statistics Agency, which only tracks the total number of adult adoptions per year. No information is collected on whether the adoption is by a relative, or if the adoptee
was once in government care. Further, while the courts are required to send the Vital Statistics Agency records of all adult adoptions that are completed, this may not always occur (Personal communication, March 10, 2015). Total numbers of adult adoptions in the province are only available from 2011 onwards due to a change in database management systems. Thus, data on adult adoptions in BC is extremely limited.

**Table One: Total Number of Adult Adoptions in BC Per Year**

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>18</td>
</tr>
<tr>
<td>2012</td>
<td>40</td>
</tr>
<tr>
<td>2013</td>
<td>21</td>
</tr>
<tr>
<td>2014</td>
<td>18</td>
</tr>
<tr>
<td>2015</td>
<td>17</td>
</tr>
</tbody>
</table>

Source: Personal Communication, January 21st, 2016

**Policy Rationale for the Existing s. 44 2(a)**

There are a number of reasons why the current s. 44 2(a) residency clause in the Adoption Act is in place; however, there are no retrievable documents to verify the thinking or the policy basis for the existing statutory language. All information and conclusions presented were acquired through personal communication with the GAP branch, including emails that were shared between the branch and other Canadian jurisdictions.

As best can be determined, the purpose of the residency clause was to ensure that the relationship between the adopter and the adoptee is as much as possible like that of a parent and child. If someone has cared for a child or youth in their home, this is presumed to be sufficient indication of an established parent/child-like bond and relationship to support an adoption order.

This clause may have also been implemented to ensure that MCFD does not have to allocate resources to investigate or review the adult adoption documentation before it is submitted to the courts. As the parties are two consenting adults, the ministry has no jurisdiction or involvement in the process. Through personal communication with other jurisdictions, it was noted that some Canadian provinces without this
clause may be required to review all the documentation before the adult adoption application goes forward, but do not have the authority to assess the validity of the application (Personal Communication, September 9, 2014).

Another reason for the residency clause is to mitigate the use of adult adoption for ulterior purposes, such as manipulating vulnerable people, like seniors, to adopt another adult purely for inheritance reasons (Personal Communication, May 11, 2016). Another example that arises is in the case of immigration – some people may try to adopt an adult to circumvent the citizenship and immigration process; however, the current residency clause protects against this possibility.

**Why an Adult Adoption?**

There are many legitimate reasons why an adult may wish to be adopted, or why someone would be interested in adopting an adult. One example is a step-parent who joins a family with adult children. As part of formalizing the familial relationship, an adoption may be desired by both the step-parent and the adult child. In such circumstances, the parental relationship and rights of the absent or deceased parent would be terminated. Step-parent adoptions of adult children may not be possible for some in BC, given the current mandatory residency clause in s. 44 2(a) of the Adoption Act: if the step-parent did not live with and maintain their step-child while the step-child was a minor, the adult adoption is not possible under the existing legislation.

There may also be situations in which a parent wishes to re-adopt their biological child. The BC Civil Liberties Association (BCCLA) documents a complaint in which a parent wished to re-integrate their adult biological child back into their family, but was barred from doing so by the residency clause. Even though a parent-child relationship existed at birth, because of the wording of the current s. 44 2(a), even a biological parent might not qualify to adopt their own child (BCCLA, 2006, p. 1).

Another circumstance under which an adult adoption may be pursued is situations in which a couple has never had children of their own. This couple may want to have an heir to carry on the family name and inherit the estate, and adopting someone with whom they have a parent/child-like relationship with would provide the couple with this opportunity (Wadlington, 1969, p. 578). Perhaps most importantly, adult adoption provides a way for an informal family relationship to be solidified and recognized. As Blore (2010) states, “While statistically, very few adults wish to be adopted…those that are adopted may receive ongoing benefits over their entire life course, most notably in the form of a fortified sense of belonging and identity” (p. 64).

The primary focus of this research is on the opportunities and implications that adult adoptions may provide for FYIC. These young adults had their relationships with their biological parents severed
sometime during their childhood or youth. However, there may be significant adults in their lives who want to provide long-term legal and relational permanency. These significant adults could be foster parents, mentors, youth workers, social workers or others. Apart from a foster parent, it is unlikely that these other relationships would meet the residency requirement. Given the increased attention that is being paid to permanency in child welfare, it is particularly topical to explore any potential barriers that youth in care face achieving permanency - including after leaving care.

The Adult Adoption Process in BC

Unlike the adoption of minors, the adoption of adults is a fairly straightforward process. One of the greatest challenges is that most people are unsure how to begin the process. Applicants are not required to consult a family lawyer to file the adoption application; however, many do, as it is an unfamiliar procedure. Individuals who make inquiries to the GAP branch are also directed to speak with a family lawyer about their questions.

An adoption proceeding begins by filing a petition and affidavit with all the required consents, reports, and a draft order. The following information must also be filed in support of an adult adoption application:

- Age and occupation of the applicant(s);
- Date and place of birth of the person to be adopted;
- Consent of the person to be adopted;
- Relationship between the applicant(s) and the person to be adopted, including the information required by s. 44(2) of the Adoption Act;
- Proof of service on the parents of the person to be adopted and on the spouse of the applicant in accordance with Supreme Court Family Rule 17-1(3); and
- Any other relevant circumstances.

Adult adoptions proceed directly through the courts, meaning that they are not processed by a licensed adoption agency. Generally, only one hearing is required. If the court finds the reason for the adoption to be acceptable, the adoption is approved. The adoption is then registered with Vital Statistics and a new Birth Certificate is issued to the adoptee, which reflects the name of the new adoptive parent(s).

In BC, the only consent required is that of the adoptee and the adopter: biological parents, a spouse, siblings, or others affected by the adoption are not required to give their consent. However, the case law around adult adoption shows that the courts have required that impacted parties are notified of the adoption (BC Civil Liberties Association, 2006, p. 4).
In some cases, the BC Supreme Court has held that while consent is not required, the Rules of Court apply to adult adoption. In Birth Registration No. 74-09-024793 (Re), [1994] B. C. J. No 594, the BC Supreme Court decided that ‘Rule 10 (4) – Affidavits’ of the Supreme Court Family Rules applies, and requires service of the petition and copies of affidavits on all persons whose interests may be affected by the adoption order.

As there is little information on how adult adoption case law has developed over the past 10 years, the insight of a family lawyer was sought regarding consent and notification. This particular lawyer consulted on the drafting of the existing Adoption Act, and provides legal advice to MCFD on adoption-related issues. According to the lawyer, notice is given to persons affected by an adult adoption - such as a biological parent whose parental rights would be terminated - so that they can assess how the adoption affects their plans or choices relating to their children going forward. For example, an estranged parent may still plan to include their biological child in a will, and having notification of the adult adoption allows them to make a fully informed choice regarding this decision.

The family lawyer also provided information on the residency requirement: while most of their adult adoption cases pertain to s. 44 2(a), the family lawyer has had no cases where an applicant has challenged the requirement that they maintained the prospective adoptee until the person became self-supporting or an adult. Given the wording of the legislation and the lack of case law, the family lawyer does not believe that a judge would approve an adult adoption if the adoptee did not reside with the applicant immediately before becoming self-supporting or an adult. The family lawyer further stated that there has been very little significant development on adult adoption case law generally. Thus, it is important to note that there may be some minor developments in adult adoption case law that are not captured in this report. MCFD and the Ministry of Justice were also approached for more information on how case law on adult adoptions has progressed since the BCCLA paper was published 10 years ago; however, no further information was available.

**Adult Adoptions and FYIC**

There are a variety of reasons why an adult adoption may be pursued by FYIC, including:

- Having a long-term connection to someone who is family;
- Having legal recognition and formalizing an existing caring relationship between a “parent” and “child”;
• The young adult/adult adoptee is now ready for such a connection – they feel secure in the relationship and now want to have it legally recognized;

• Inheritance rights and considerations that come with having a legal parent;

• The symbolism of having someone make such a high level commitment in the relationship;

• The extra security and stability that a parent provides, including being an emergency contact and making important decisions, and providing guidance and support; and

• Having a significant person who is present for life’s challenges and successes.

While adult adoption falls outside the core mandate and duties of child welfare authorities, information on the process can still be provided to youth in care and prospective caregivers. Many youth in care may not be ready or open to consider adoption as a minor, but may change their mind later on. Adult adoption provides a way for youth to undergo this self-exploration process, while still keeping permanency as the ultimate goal. It means that young adults have not missed out on having a family, and they are provided with the space to come to this important decision on their own (National Resource Centre for Permanency & Family Connections, 2013).

2.4 Youth Transitions in BC

There are approximately 8,000 children and youth in care at any given time in the province, with 4000 CCOs (RCY, 2014). This status refers to children and youth who are permanent wards of the government, as a result of unsuccessful reunification with the birth family or when permanent care is considered in the best interest of the child.

However, the number of children and youth in permanent care who have adoption plans has steadily declined, as have the number who are registered in the provincial adoption program: of the 4000 CCOs, approximately 1300 have adoption plans and of these, 1000 children were actually registered in the adoption program (RCY, 2014, p. 22). For those in permanent care who are not adopted, they remain in the foster system until their 19th birthday, at which time the responsibilities of government ends and youth age out of care. Approximately 55-60% percent of children and youth in care are of Aboriginal descent (First Nations, Metis, Inuit), yet make up only 8% of the total child population in BC (Smylie, 2011, p. 2). There are approximately 1000 youth transitioning out of foster care in British Columbia each year – 700 on Continuing Custody Orders (CCO) and 300 are on Agreements with Young Adults (AYA) (RCY, 2014).
Research indicates that youth who age out of foster care are at increased risk for long-term dependence on social assistance; low educational attainment; involvement with the justice system; mental health problems; substance use issues; and early parenthood (Triseliotis, 2002; Cowan, 2004; Osgood, Foster, Flanagan & Ruth, 2005; Smith, 2011). To illustrate, in 2013/14, only 48% of youth in care obtained a high school credential by their 19th birthday (MCFD, 2015, p. 83). Rutman et al. (2007) found in their longitudinal study of BC FYIC that this population experiences high levels of transience and instability, with 45% of participants having experienced homelessness (p. 41).

In a report by the Conference Board of Canada (2014), the economic impacts of youth aging out of care was analyzed. One of the major findings is that FYIC will earn approximately $326,000 less income over their lifetime, primarily as a result of lower educational attainment, compared to the average Canadian (p. 2). Due to this lower income over the lifespan, it is also estimated that many FYIC will require more social assistance, and pay less income and consumption taxes. The Conference Board of Canada estimates that every individual FYIC will cost all levels of Canadian government over $126,000 over their lifetime in the form of social assistance and lower tax revenues. The report argues that all of society – from government, to business, to the public – has a collective responsibility to invest in the well-being of youth leaving care.

When looking at BC-specific data, within six months of aging out of care approximately 50% of former foster youth access Income Assistance (IA) or Persons with Disabilities (PWD) in BC (MCFD, 2015, p. 69; RCY, 2013a). Of these young adults, almost 74% accessed PWD assistance, which is an “income and asset tested income support program for adults with severe mental or physical impairment that is likely to continue for two or more years, which significantly restricts daily living activities continuously or periodically for extended periods resulting in the need for assistance/supervision” (MCFD, 2015, pp. 69-70). The rate of FYIC accessing IA has remained consistent from March 2008-March 2015, while the rate of FYIC accessing PWD has increased by 10% over the same timeframe (p. 70).

In the spring of 2013, the Vancouver Foundation surveyed 1,820 British Columbia adults to understand what the general public’s perceptions are of youth transitioning to adulthood, specifically for those aging out of government care. One of the primary findings of this study is that most British Columbians do not believe that 19 year olds have the necessary skills, abilities, and resources to be living independently. Another finding is that most parents who have 19-28 year olds living at home provide support to their children in six key areas:

- Shopping and groceries (69%);
- Free rent (69%);
• Post-secondary education funding (60%);
• Living supplies (56%);
• Transportation (55%); and
• Job advice (53%).

Further, 68% of those surveyed support extending the age of government support until at least the age of 21 and 19% support extending services to the age of 23 or older. Finally, the survey highlighted that a caring gap exists in the province, meaning that many British Columbians view the transition of their own children to adulthood differently than they do for youth in government care. For example, “Only 29% of respondents listed support finding safe, affordable housing as a way to prevent homelessness among youth aging out of government care. In contrast, 36% of youth ages 19-28 in BC live at home, and the majority of parents surveyed provide housing assistance to their own kids” (p. 8).

In Rutman et al.’s (2007) study, FYIC shared feeling socially isolated, struggling with unresolved trauma from childhood, and having to take on the responsibilities of being an adult before they were ready to. While most participants had some connection to their birth family and were able to identify one person who they could get support from, these relationships were often unstable, fractured, and unpredictable: participants did not necessarily feel well supported, even though they were able to identify some supportive relationships in their lives. Approximately 25% of participants indicated that they still found their former foster parent(s) and social worker as a source of emotional and practical support (p. 37).

Participants were also asked about the benefits and challenges of no longer being in foster care. Some of the benefits included having their own space, having freedom, and not having to deal with social workers or other professionals as frequently. However, a number of challenges were also shared, including losing the support system of being in care, having no emergency help, a lack of financial resources, and learning to navigate adult services (p. 37). The overall conclusion of the study is that “youth from government care need to have as gradual and extended a transition process to adulthood as youth in the general population” (p. 46).

FYIC desire having a relationship with at least one supportive adult as they transition out of care (Nesmith & Christophersen, 2013; RCY, 2014; Rogers, 2011, The Office of the Provincial Advocate, 2012; Tweedle, 2005). FYIC highlight that while they desire independence and autonomy, they also want a reliable adult who they can turn to in both good and bad times (Rogers, 2011). In a report by the RCY (2014), FYIC shared that having connections with at least one adult was a significant protective factor during their transition time (p. 21). This has been found in other research, in which youth who have role models and supportive adults in their lives are more likely to have a successful transition out of care.
(Czeck, 2015; Tweedle, 2005, p. 8). Moreover, Rogers (2011) states that feeling cared for is central to a young person’s development of resilience and stability, as is the belief that a dependable adult has made a personal investment in them (p. 420).

Section Three – Literature Review

This literature review is divided into two sections: Part 1 presents and analyzes the main research articles on adult adoptions. Specific policy and practice considerations are presented including inheritance implications, same-sex couples adopting one another, and the cultural application of adult adoptions in Japan. A paper by the BC Civil Liberties Association (2006) is also discussed, as it provides an overview of adult adoptions in the province. Part two reviews research on youth leaving care, permanency, and emerging adulthood to contextualize the potential for adult adoptions for the FYIC population.

Part 1:

Evidence suggests that adoption has been practiced for centuries, with early legal references found in the ancient Babylonian Code of Hammurabi (approximately 1754 BCE) (Paulissian, 1999, p. 5; Washington Law Review, 1972, p. 254). Adoption was also commonplace in ancient Greece and Rome, and specific practices have continued to influence modern adoption statutes – such as minimum age difference requirements between the adoptee and the adopter (Washington Law Review, 1972). Historically, adoption was used as a means for childless couples to continue their family line by having designated heirs. It was primarily the adopters that benefitted from the arrangement as opposed to the adoptees (Paulissian, 1999, p. 5). It was common that adopted children were used to help run a family enterprise and provide free labour, such as on a farm. However, there was a shift in mindset during the 19th century where the concern refocused on the best interests of the child, and providing children in need with loving homes (Fowler, 1984; Ratliff, 2011). This paradigm shift continues to dominate how adoption is discussed and framed within our current time.

There is a clear distinction between how adoption is approached for minor versus adult adoptions. To illustrate, a large body of research on the adoption of children exists while there is almost no literature on adult adoptions. Questions regarding the identity of adopted children have also been readily discussed, however this is rarely raised in the context of adult adoptions. Blore (2010) states that to date there have been no psychological studies on the links between adult adoption and identity (p. 68). Instead, a much greater emphasis is placed on inheritance rights, and ways in which adult adoption has been used for purposes other than to solidify a parent/child-like relationship. Moreover, adult adoptions may be inherently distinct from minor adoption as adult adoption gives legal recognition to the prior existence of
a familial relationship or bond, while the adoption of minors focuses on using the law to create a family (Blore, 2010, p. 68).

The Washington University Law Review (1972) states that adult adoption differs from minor adoption in three main ways: 1. the motivation for adopting; 2. the legal responsibilities of the adopting parent; and 3. the adoption procedures. While the reasons for adopting an adult may be the same as a child in some circumstances, the authors argue that most adult adoptions serve some sort of financial purpose – specifically inheritance considerations. The second major difference is that the adoptive parent to an adult adoptee has no legal duty to support the adult adoptee or have them live in their home. Finally, the procedures for adopting an adult are much simpler than adopting a child. Generally, all that is required is the consent of the two concerned parties (pp. 256-258).

The procedure for adopting an adult is similar across jurisdictions and is relatively straightforward compared to the adoption of a minor. Certain actions have been taken to facilitate and streamline the process, including:

- Removing the requirement to obtain the consent from the biological parents. However, some jurisdictions do notify biological parents when an adult adoption proceeding is taking place;
- Not conducting a home study investigation of the prospective adopter;
- Eliminating a minimum residency requirement before an adoption can take place. However, some jurisdictions including BC do have some sort of residency requirement;
- Reducing the level of confidentiality that is required during the process; and
- De-emphasizing that an adoption only be granted if in the best interest of the adoptee.

If all of these conditions are satisfied, then generally only one hearing is needed to formalize the adoption (Wadlington, 1969, p. 572; Washington University Law Review, 1972).

**Policy and Practice Considerations**

*Inheritance Motives*

Jurisdictions throughout the United States have noted issues with people attempting to use adult adoptions for inheritance purposes, and according to Ratliff (2011), the use of adult adoptions for inheritance objectives is increasing. This may not be a consideration for BC, as inheritance law is constitutionally a provincial matter; however, it is important to note any adult adoption issues that other jurisdictions are experiencing.
In all states, if someone dies intestate – meaning without a legal will - and is survived by only an adopted child, the adopted child becomes the sole inheritor of the estate. This severs the inheritance rights of all other biological relatives of the individual, including siblings and parents of the deceased (Ratliff, 2011). In circumstances where the adoptee is the first to pass away and there is no will, the adoption will bar the right of the adoptee’s natural parents and relatives from inheriting. The adoptee’s biological family would be left with no grounds to contest the adopter from becoming the sole inheritor of the adoptee’s estate (Fowler, 1984). Adult adoption can also ensure inheritance rights in cases where there is a will, as other relatives are unable to challenge the legality and validity of the will. A commonly cited example of this is the case of Greene v. Fitzpatrick (1927) in which a wealthy lawyer adopted his mistress who was already married. The legal adoption was upheld and prevented other relatives from contesting the will.

The language in wills can sometimes be ambiguous, including the term “child” in the case of adoption (Washington Law Review, 1972, p. 265). The language used in adult adoption statutes is sometimes not clearly defined, as the terms “child” and “minor” are not synonymous, as a child can be an adult while a minor cannot (Wadlington, 1969, p. 566). Sometimes the language in wills specifically denotes between blood relatives and non-blood relatives, while other times it is up to the court’s discretion as to whom may be considered a child, or what the intent of the deceased individual was. This can cause some uncertainty for adult adoptees, as some courts may not interpret their relationship as that of the child.

Finally, there is also the possibility to reduce inheritance taxes through adult adoption. In some jurisdictions, the inheritance tax rates are lower for transfers of property that go to a lineal heir as opposed to someone who is less directly related (Ratliff, 2011). However, some states have tried to prevent such situations by taxing adult adoptees at a higher rate than those adopted as children or biological children (Washington Law Review, 1972, p. 261).

**Adoption by Same-Sex Couples**

The use of adult adoptions by same-sex couples in the United States to create a marriage-like relationship has also garnered attention – particularly by the media. Same-sex marriage was illegal in most states until June 26 2015, at which time the United States Supreme Court ruled in Obergefell v. Hodges that state-level bans on same-sex marriage is unconstitutional (United States Supreme Court, 2015). Since the 1980s, members of the LGBTQ community used adult adoption to create family relationships and ensure that inheritance rights were protected (Fowler, 1984; Snodgrass, 1997). This is not an issue for BC as same-sex couples have the legal right to marry; however, this is another consideration that should be briefly explored as it has had implications for other jurisdictions.
There are a number of advantages that adult adoption provides same-sex couples, many of which are the same as marriage:

- The recognition of family bonds;
- The establishment of intestate succession;
- Ensuring the extension of benefits from one couple to the next, including employee benefits and access to insurance policies; and
- Access to retirement funds
- The existence of established, legal mechanisms for facilitating adult adoptions throughout the USA;
- The legal advantages it provides to couples wanting to have children. For example, children would then be legally related to both parents. A legal relationship also allows for the surviving partner retain or gain custody of children if the other passes away;
- The establishment of next-of-kin rights in situations of emergency, hospitalization, imprisonment, or incapacity; and
- The right to recover damages in tort for actions available only to family members (Ratliff, 2011, pp. 1784-1786; Snodgrass, 1997, p. 80).

While there are a number of benefits of adult adoption in circumstances where same-sex marriage is illegal, there are also a number of inherent disadvantages. The most discussed issue is the irrevocability of adult adoptions, which makes it a very serious undertaking for same-sex couples (Fowler, 1984; Ratliff, 2011; Snodgrass, 1997). If the romantic relationship ends, there is no mechanism like divorce to sever the legal bond, and disinheriting an adoptee may be difficult.

The adult adoptee also loses their pre-existing inheritance rights from their biological family when they consent to be adopted by another adult. If the intimate relationship ends, there is no way to fully restore the adoptees inheritance rights within their biological family. Even if the individual is written into a will, legal members of the family can challenge inheritance. In some circumstances, the adoptee may end up with no inheritance from either their family or their previous partner.

The social stigma and taboo surrounding the adoption of one’s partner also has the potential to negatively impact the intimate relationship (Wadlington, 1969, p. 579). The perceptions of co-workers, friends,
family, and society at large could be quite destructive and have a real psychological impact upon the
couple, which may inevitably impact the longevity of the relationship.

Adopting a person in which a sexual relationship exists also opens the individuals up to prosecution for
incest. Some states have specific laws prohibiting the adoption of one’s sexual partner, so this is an added
ccern and risk for same-sex couples who are considering adult adoption (Ratliff, 2011; Snodgrass,
1997).

**Cultural Purposes and Applications**

Japan has an ancient tradition of adopting adult males to take over family businesses and carry on lineage
(Bryant, 1990). This type of adoption also accounts for the vast majority of adoptions in Japan: according
to some researchers, adult adoptions comprise 98 percent of all adoptions in the country (Mehrotra,

The practice of adult adoption is credited as one of the primary reasons why there is longevity and success
in Japanese family businesses. A family may adopt a new adult son if they do not have any biological
sons, or their son has proven to be incapable of carrying on the family business. Major companies that
have utilized the adoption of sons include Panasonic, Suzuki Motors, and Taisho Pharmaceuticals
(Bryant, 1990).

Some features of these adult adoptions are that there is no requirement for a minimum age difference
between the adopter and the adoptee; the only stipulation is that the adopter is at least one day older than
the adoptee and both parties must also be at least 15 years of age. Adoptions take place on a private,
contractual basis and are not subject to judicial supervision or oversight.

While it is far less common, there have been situations in Japan where extramarital lovers are adopted.
Both heterosexual and same-sex couples are able to undertake this type of adoption procedure. This has
become quite common among same-sex couples as gay marriage is still illegal in Japan. Through
adoption, the inheritance rights of a lover are legally protected and enforced. Given that the adoption of
adults is common and widely accepted, the adoption of one’s lover is not viewed as incest even though
the adoptee is technically considered the ‘child’ in the relationship: “Rather, the image is of agreement
between adults to enter into a mutually beneficial fictive kin relationship” (Bryant, 1990, p. 312).

**Adult Adoption in BC**

The BC Civil Liberties Association (BCCLA) published a discussion paper in 2006 on adult adoptions in
BC. The BCCLA (2006) argues that current legislation, specifically age and residency restrictions,
unfairly impact BC citizens in their ability to create a family. The paper states that British Columbians do
not have the same rights as Canadians in other provinces to legally recognize family, and this infringes on the personal autonomy of consenting adults.

The government monitors, sanctions, and defines who can and cannot be considered family. Marriage and adoption are socially and legally constructed ways to create a family, and such relations are regulated by the state. However, the legal definition of family has evolved over time to align with changing social norms and values. The author of the paper argues that adult adoption is similar to the arguments supporting same-sex marriage, in terms of allowing consenting adults to have the freedom to make decisions about their own lives.

The BCCLA (2006) discusses a case in which a parent wished to reintegrate a biological child back into the family after previously giving that child up at birth for adoption. The parent and child were reintroduced after the child (now in their mid-twenties) found their biological parent through an adoption registry. The adult child moved back into the home of their biological parent, and the family wanted to move forward with legally recognizing their relationship by adopting the child back. Given the wording in s. 44(2) a, this adult adoption is not possible as it does not meet the residency requirement.

The BCCLA (2006) also raises the importance of judicial review in adult adoption cases. Given the legal implications of adoption, having a judge make the ultimate decision on an adult adoption case helps to ensure that abuses of the process do not occur. While adoption is typically framed as adding an individual to a family, it also removes this individual from their family of origin – referred to as “adopting out”. Judicial oversight ensures that such adoptions are not taking place out of spite, given the serious legal implications that adoption provides. Courts must also be aware of circumstances in which an individual is “adopting out” of their family in order to pursue an incestuous relationship with a blood relative. While this situation may be rare, it is important that mechanisms are in place to watch for this. Judicial review can also be used to protect vulnerable people, such as seniors, from being victims of inheritance fraud.

The position of the BCCLA (2006) paper is that s. 44 2(a) of the Adoption Act should be repealed as this would align BC’s legislation with that of other provinces and still provide judicial discretion to ensure that adult adoptions are not being used for ulterior reasons.

**Canadian Immigration and Adult Adoptions**

Concern has been raised in a number of jurisdictions that adult adoptions may be used to try to circumvent immigration processes. However, because adoption is constitutionally a provincial responsibility, the only consideration that BC has is ensuring the integrity of its own process. Citizenship and Immigration Canada (2015) outline the requirements that must be satisfied in order to grant citizenship to an individual that has been adopted as an adult. The granting of citizenship to someone born
abroad that has been adopted as an adult by a Canadian citizen does not necessarily expedite the immigration process, but is meant to be complimentary with the immigration system.

**Part 2:**
While there is little literature on the topic of adult adoptions, there is a growing body of research on youth transitioning out of government care. This research elucidates the multiple, overlapping challenges that FYIC face, including increased experiences with homelessness, mental health and substance use issues, incarceration, and long-term dependence on social services (Courtenay et al., 2011; Czeck, 2015; Jones, 2014; Rutman et al., 2007, Tweedle, 2005). An in-depth exploration of literature in this area goes beyond the scope of this research project. Therefore, the remainder of this literature review examines the theoretical underpinnings that arose from the key informant interviews - including social support, permanency, social capital, and emerging adulthood.

**Social Supports and Permanency**
Traditionally, the focus of child welfare systems has been on achieving permanency for younger children, and the unique needs of youth and young adults has received little attention. Services for young adults have primarily focused on developing independent living skills, such as budgeting, meal planning, and employment with minimal attention paid to the importance of having caring and supportive relationships (Antle, Johnson, Barbee & Sullivan, 2009; Bussiere, 2006; Tweedle, 2005). However, there is growing acceptance that support programs for youth transitioning out of care cannot merely focus on independent living skills (Antle et al., 2006; Propp, Ortega & NewHeart, 2003). The National Resource Centre for Permanency and Family (2011) posit that while all young people need to develop independent living skills, this does not constitute or replace permanency (p. 26). Further, the idea of “interdependence” as opposed to “independent” living programs has been proposed, in which youth learn how to engage with others and build relationships as well as learn basic life skills (Avery, 2011; Avery & Freundlich, 2009; Propp, Ortega & NewHeart, 2003). It is clear that social connections must be examined to holistically meet the needs of youth in and from care (Avery, 2011; Bussiere, 2006).

**Social Supports**
Jones (2014) explores the importance of social support for FYIC, stating that the ability for FYIC to form caring, supportive relationships is compromised by their traumatic histories. Removal from the birth family, numerous placement moves while in care, and the subsequent discharge from foster care all impact the ability for FYIC to establish long-term, nurturing social networks. The continuity of relationships is stressed, as dependable and predictable connections are essential for those who have experienced loss and trauma (p. 86). The importance of social support is further articulated by Jones
(2014), “The social networks in which individuals reside are the potential sources of support and make up their social connections to the world. These networks give individuals a sense of belonging, a social identity, and intimate relationships through which to share confidences, caring, and tangible resources” (p. 85).

Social support is typically characterized as emotional or instrumental support. Emotional support involves receiving guidance, advice, or comfort while instrumental support involves tangible help such as assistance with housing or food. Both types of social support can come from a variety of sources. In a study conducted by Perry (2006), the levels of social support from birth family, foster care providers, and peers are examined. One of the major findings is that in comparison to youth in the general population, foster care youth feel that their biological and foster parents care far less about them. However, such feelings were correlated with the amount of social network disruption experienced: foster youth who resided in more stable home environments reported feeling higher levels of care from their caregivers. In comparison, youth in group homes or who experienced multiple placement moves reported that their caregivers cared far less about them (p. 386).

Connections with foster parents was found to have the greatest impact on feelings of depression and anxiety, suggesting that having a safe and supportive home is a particularly integral protective factor for youth in foster care (p. 386). The study also found that foster youth do best and express the greatest resiliency when they have multiple sources of social support. This is key for child welfare policy, as programs for youth leaving care should focus on building healthy relationships with a variety of supports.

In an effort to find connection and support, some youth return to their biological families after aging out of care. While this is a positive connection for some youth, many find that long-term issues persist and the reasons why they came into care originally have not been addressed. Courtenay (2009a) notes, “in spite of court-ordered separation from their families, often for many years, most former foster youth rely on their families to some extent during the transition to adulthood, though this is not always without risk” (p. 8). Given that significant challenges within the family are still present, many FYIC are unable to rely on their biological families as long-term sources of emotional or instrumental support. Thus, they must turn to alternative connections in order to have their needs met (Driscoll, 2013; Samuels & Pryce, 2008).

System relationships, such as former social workers and foster parents, can and do play a support role for some FYIC. Jones (2014) describes this support as a bridge, where former social workers and foster parents remain connected to a FYIC during their transition while they establish other social connections. However, sometimes these connections continue for longer and become life-long relationships. Such
connections may aid in a youth’s successful transition as they may provide guidance and emotional support, as well as other tangible needs like short-term housing.

Mentorship has also been researched for its potential in providing much needed social connections in the transition process (Avery, 2011). Mentorship is broken into two distinct types: formal mentors through programs; and natural mentors who are “nonparental, caring adults whom youths select from their existing social networks, such as teachers, coaches, pastors, or adult relatives” (Greeson, 2014, para 8). Research on natural mentoring suggests that caring, committed adults can make positive impacts in the lives of youth in foster care (Avery, 2011). However, Avery (2011) emphasizes that mentorship cannot be a substitute for relational permanency and having a parental figure for life. Instead, mentors should be viewed as a supportive resource that contributes to a youth’s overall relational permanency (p. 19).

Permanency

Permanency is a concept used by MCFD and other child welfare organizations. Permanency consists of four interacting dimensions that work together to meet the holistic needs of children and youth: “The objective of achieving permanence is to reach the optimal balance of physical, emotional/relational, legal and cultural dimensions within every child and youth’s array of family relationships” (MCFD, 2012, p. 2). However, no one singular definition of permanency exists, as its meaning is unique to every young person in government care (Federation of BC Youth in Care Networks, 2013, p. 6).

- **Legal permanency** is when the court determines the relationship between the child and primary caregiver(s), such as guardianship or adoption;
- **Relational permanency** consists of enduring, loving and trusting relationships with biological family members/siblings, foster parents, community members and other caring people;
- **Physical permanency** involves creating a safe, stable, healthy and lasting living arrangement;
- **Cultural permanency** means the child is connected to his or her culture, regardless of what else is changing in their life (Residential review project – Final Report, MCFD & Federation of Community Services of BC, June 2012).
Bussiere (2006) highlights that the key element of all permanency options is finding one or more adults who are willing to make a life-long commitment to a youth or young adult. Such a role means that the adult is engaged and involved in life events such as weddings, graduations, and the birth of children. It also means being committed and available through difficult times in someone’s life. More often than not, youth already know and have people in their lives who could provide them such permanency including teachers, former foster parents, coach, or a family friend (p. 233).

**What Permanency Means to Youth and Young Adults**

While the term permanency is commonly used in the child welfare system, little research has been done on what permanency means to youth in care (Mandelbaum, 2015). The California Permanency for Youth Project (Sanchez, 2004) asked youth in foster care to describe how they define permanency and its importance to them. The most important domain identified is relational permanency, which youth describe as providing a sense of emotional stability. When relational permanency is present, then the other types of permanency either fall into place or become less important (Sanchez, 2004). This finding is evident in other research that also highlights the importance of relational permanency for youth who are in or have aged out of care (Freundlich, Avery, Gerstenzang & Munson, 2006; Mandelbaum, 2015).

Youth also discussed the importance of physical permanency, which was described as a safe, stable living environment. If they had this, then they felt better prepared to focus on education, work, volunteering and other activities associated with self-development.

Above all other topics, youth debated the importance of legal permanency by way of adoption or guardianship. For youth who believe legal permanency is paramount, it is not enough to simply live with a family without the state’s legal recognition of these relationships. These youth were unable to feel fully secure or connected without legally belonging to their new family. Youth who do not believe legal
permanence is important or should be prioritized did so for two main reasons. First, youth in foster care often do not trust the ability of the state and legal system to establish relationships, given the multiple moves and instability many face while in care. They believe that emotional permanence must be established first, and then if this is in place, legal permanency is not required. Second, youth understand that certain services and supports will no longer be available to them if they are adopted, such as independent living or financial aid for school (p. 12). Mandelbaum (2015) also highlights that refusing adoption can be a coping mechanism for youth, as they fear being rejected once more through the adoption process.

Freundlich, Avery, Gerstenzang and Munson (2006) found that young adults want more permanency options and to play an active role in their permanency planning. For some, Independent Living mostly meets their needs and is the desired choice, while other FYIC feel frustrated as they receive very little information on their options. Participants also shared how staying in the same home as their siblings would have created the permanency they were seeking, stating that this should be a higher priority in child welfare practice.

While the perspectives of youth cannot and should not be generalized, it is clear that the current child welfare system is not working for the majority of young people (Mandelbaum, 2015, p. 283). According to Mandelbaum (2015), the focus of the child welfare system on permanency – specifically legal permanency – should be critically evaluated. The author states it may make more sense to focus on stability and emotional connections that are distinct from legal parent-child relationships (p. 239). This shift does not discard legal permanency, but rather refocuses on the domains of permanency that youth have identified as being the most important: relationships and connection.

Mandelbaum (2015) suggests that a number of changes be made in order to prioritize the permanency needs that youth have identified. For example, youth and young adults should not have to choose between adoption or guardianship and receiving financial assistance from the government for college or housing. Policies should be adapted to ensure that young adults do not have to choose between legal and financial security. The author also poses the idea of “Permanency Pacts”. Permanency Pacts were started by the Foster Club, and involve bringing together youth and the supportive adults in their life: the adults pledge how they will be connected to that youth and provide them with support. This establishes a network of people who may not be able to care for a youth full time, but who are able to provide support to them in some way (p. 259).
Aboriginal Youth and Permanency

Strageland and Walsh (2013) suggest that how permanency is approached and conceptualized for Aboriginal youth is different than for non-Aboriginal youth. Given that Aboriginal children and youth are highly over-represented in child welfare systems across Canada, the authors state it is crucial to understand their unique circumstances in order to address this pressing situation (p. 29). In BC, up to 60% of children in care are Aboriginal. In order to address the permanency needs of Aboriginal children and youth, it is imperative that colonial child welfare practices are understood, that the differing worldview of Aboriginal peoples is considered, and that identity formation is discussed.

The historical legacy of colonial practices like residential schools and the Sixties Scoop has resulted in generations of impermanency for Aboriginal children, youth, and families. Bennett, Blackstock, and De La Ronde (2005) discuss the impacts of residential schools, and how this system disrupted the flow of traditional knowledge from one generation to the next: children were unable to learn their cultural traditions, nor were they exposed to healthy parenting practices. When residential school survivors eventually had children of their own, the lack of knowledge regarding traditional parenting practices was compounded by the abusive techniques that children were exposed to in the schools (p. 18). This further perpetuated the instability and cultural destruction of Aboriginal families and communities.

During the 1960s, a change in jurisdictional responsibility for Aboriginal child welfare from the federal government to the provinces resulted in high numbers of Aboriginal children being removed from their communities once again. Aboriginal children were fostered or adopted into non-Aboriginal families - often in other provinces or even other countries. Many of these children never returned home, and often struggled with their identity as they were raised disconnected from their roots and traditions (p. 20). The removal of children from their communities has had a devastating impact that continues today, where Aboriginal children and youth are still over-represented in the child welfare system (p. 21).

The individualism of Western society has dominated the values of the current child welfare system, and as such permanency planning tends to focus on finding a nuclear family for a child (Strangeland & Walsh, 2013; p. 30). However, this approach is incongruent with traditional Aboriginal approaches to raising children, in which parents, grandparents, and the wider community are actively involved in the process. If for some reason parents are unable or incapable of caring for their children, it is expected that others in the community will take on this responsibility. Given this collectivist worldview, the authors challenge the cultural appropriateness of focusing permanency planning on finding a singular nuclear family for Aboriginal youth in care: “Viewing Aboriginal youth as interdependent members of their communities,
rather than individuals in need of one or two parents, could impact how permanency is conceptualized and in turn operationalized” (p. 33).

Strangeland and Walsh (2013) also explore the identity formation of Aboriginal youth, stating that it is inextricably linked to their collective identity as Aboriginal peoples and is passed down through generations. Thus, Aboriginal youth will have a difficult time forging a healthy identity if they are disconnected from their communities, cultures, and elders. The author’s state that it is critical to engage collaboratively with Aboriginal youth to learn what permanency means to them and work to achieve this plan.

**Benefits of Permanency**

Consistently, research has found that achieving permanency provides numerous benefits for youth in and from care, including:

- Greater educational attainment;
- Increased emotional development;
- Enhanced ability to form healthy emotional connections and relationships;
- More employment opportunities;
- Enhanced mental wellness;
- Less reliance on social services, such as income assistance;
- Decreased experiences of homelessness;
- Cultural identity formation;
- More supportive relationships; and
- Feeling connected and engaged

(Cowan, 2004; Federation of BC Youth in Care Networks, 2013; Tilbury & Osmond, 2006; Vinnerljung & Hjern, 2011).

Achieving legal permanency also has a number of specific benefits, particularly when it comes to education. Youth who are adopted are more likely to complete high school and post-secondary education (Cowan, 2004). Legal permanency may also have a positive impact on special education: Hill and Koester (2015) found that the identification and diagnosis of special needs, such as ADHD, increased once children and youth are adopted. As such, the necessary supports and services can be put in place. Many foster youth are in specialized school programs, often isolated from the greater school community. Once the youth are adopted, they had far more interaction and engagement with their peers (p. 58). This study also found that the quality and depth of Individualized Education Plans (IEPs) increased greatly for youth...
once they had been adopted, noting that more respectful language was used and that more detailed goals were set. Finally, there was also an increased expectation that youth would finish high school and pursue post-secondary education: “Once the children realized that they had a future ahead of them and there was someone there to support them, they felt like they could plan for their own future” (p. 160).

**Barriers to Permanency**

Research has noted a number of barriers to youth and young adults achieving permanency, including:

- Misconceptions in the child welfare system that youth and young adults are not interested in being adopted, or that no one is interested in adopting them;
- Little involvement of youth and young adults in their case planning, including for their transition out of care. This results in in little knowledge of permanency options, such as minor and adult adoptions;
- Placement instability while in care, making it difficult to form healthy connections with community, school, caregivers, and peers;
- Complex social and emotional needs of YIC, making relationship formation challenging; and
- Feelings of loyalty to birth family, making it difficult to attach to new caregivers.


**The Permanence for Young People Framework**

The National Resource Center for Foster Care and Permanency Planning (2004) developed the Permanence for Young People Framework to support child welfare agencies in helping young people achieve permanent family connections. The framework is based on seven key principles that guide how permanency policies, programs, practices, services and supports should be developed and implemented.

This framework is endorsed by the Federation of BC Youth in Care Networks, who added the final two principles as they believe these are integral for permanency:

- Recognize that every young person is entitled to a permanent family relationship;
- Are driven by the young people themselves;
- Acknowledge that permanence includes a stable, healthy and lasting living situation;
- Begin at first placement;
• Honour the cultural, racial, ethnic, linguistic, and religious/spiritual backgrounds of young people;
• Recognize and build upon the strengths and resilience of young people; and
• Ensure that services and supports are provided in ways that are fair, responsive, and accountable to young people
• Make every effort to keep siblings together;
• Recognize youth have their own rights and ensure that these rights are being protected

In addition to the framework, a number of measures were developed to help agencies accurately track if the objectives of the framework are being met. These measures include:

• **Available potential resource families**: Increase in the number and percentage of resource families (foster, adoptive, kinship families) who have a demonstrated knowledge of, commitment to, and concern for young people and can parent young people with unique needs, characteristics, and issues represented in the population;

• **Placement settings and stability**: Decrease in the number and percentage of young people in non-family settings (e.g., Institutions and group homes); decrease the number of moves young people experience in out-of-home care;

• **Participation in meetings**: Increase in the number and percentage of young people who report that they actively participate in their own case planning and decision-making and that their wishes are respected;

• **Training and education**: Increase in preparation, training, education, and/or support that is provided about permanence for young people to key constituency groups such as:
  - Young peoples, families and extended families
  - Agency staff
  - Courts
  - Lawyers
  - Schools
  - Probation officers
  - Community service providers
  - Other key partners identified by the youth

• **Maintaining connections**: Increase in the number and percentage of young people who maintain connections with their birth parents, siblings, extended family members and other significant adults in their lives;
• **Youth-defined permanence**: Increase in the number and percentage of young people who leave out-of-home care reporting that they have the optimal level of family belonging and membership based on their vision and definition of permanence;
• **Legal permanence**: Increase in the number and percentage of young people who achieve legal family permanence through reunification, adoption, or guardianship (National Resource Center for Foster Care and Permanency Planning, 2004).

**Social Capital and Emerging Adulthood**
Social capital is defined as “the presence of social supports, connections, and networks available to young people” (McCreary, 2015, p. 11). There are a number of social capital domains including family, school, community, and peers. Each domain plays an important role in helping young people develop to their fullest potential, and successfully transitioning to adulthood: social capital is especially crucial for those exiting foster care (Jim Casey Opportunities Initiative, 2012). Youth in care are at an increased risk of losing sources of social capital as their social networks are continuously disrupted because of removal from the family home and further placement moves while in care.

**Sources of Social Capital**

Like barriers to permanency, barriers for building and maintaining social capital exist for youth in care (Jim Casey Youth Opportunities Initiative, 2012). Moving regularly contributes to youth feeling less connected to their schools, neighbourhoods, and communities. Poverty is also a significant factor, as this prevents youth in care from participating in recreational and other activities where they could form healthy connections with caring adults or peers.
A lack of social capital makes it very difficult for youth in care to achieve permanency (McCreary, 2015; Sanchez, 2004). The network surrounding a foster youth consists primarily of child welfare professionals, lawyers, and others that are part of the foster care system. Given that these relationships typically end when the young person ages out of care, it becomes especially difficult for these youth to achieve permanency or build social capital once they become adults. Thus, it is important that young people have the opportunity to build relationships with supportive adults that are outside of the foster care system (Sanchez, 2004, p. 8). Such connections have the potential to provide lifelong relational permanency, and could develop into an adult adoption if desired.

Given the importance of social capital in the success of all young people, especially for those with care experience, it is integral that opportunities are generated to foster such connections. Some ideas put forward by the Jim Casey Youth Opportunities Initiative (2012) include:

- Ensuring that young people transiting to adulthood learn relationship building skills;
- Engaging with young people to identify supportive people in their lives;
- Prioritizing sibling relationships and connections;
- Make school stability a priority;
- Support youth who must change schools to build new social capital;
- Keep young people in one community so that they can establish connections;
- Place young people in family-based settings
- Support youth in connecting with a wide-range of caring adults;
- Provide resources for young people to participate in a range of social activities;
- Support youth in sustaining healthy peer relationships when they enter care; and
- Support young people in developing new healthy peer relationships.

**Emerging Adulthood**

The theory of emerging adulthood is continuing to grow and gain traction (Arnett, 2007; Jones, 2014; Munson et al., 2013; Singer & Berzin, 2015). Emerging adulthood is a distinct developmental phase between adolescence and full-fledged adulthood, occurring from the late teens to the late 20s (Arnett, 2000). Arnett (2000) argues that emerging adulthood is theoretically and empirically distinct from both adolescence and young adulthood (p. 469). Typically, those in this age range do not identify with adolescence but do not feel that they have yet become adults (p. 471).

One key aspect of the theory is that markers of adulthood have changed over time. Traditionally, major life events like marriage and beginning a career were clear signs that adulthood had been attained. These
Indicators have shifted to some degree for today's emerging adults, and internal characteristics such as taking responsibility for one's actions or reducing risky behaviours are now identified as signs of adulthood (Munson et al., 2013).

The five primary characteristics of emerging adulthood are exploration of identity; instability, self-focused, feeling in between; and exploring possibilities (Arnett, 2000; Arnett, 2007):

- **Identity exploration**: The three main areas that identity is explored through are work, love, and worldviews. While the exploration of these areas begins in adolescents, it is really during emerging adulthood that these aspects of identity are focused on.

- **Instability**: This phase is typically marked by instability, including travel, frequent house moves, and job changes. Emerging adults often leave and return to the family home a number of times, as well as live with romantic partners and friends.

- **Self-focused**: In general, emerging adults have less family obligations than other developmental stages, providing the ability to focus on the self. This is also the time period that is subject to the least amount of institutional control such as school or a long-term career.

- **Feeling in between**: The transition to full-fledged adulthood is often a gradual process, where markers of adulthood like becoming financially independent are achieved incrementally.

- **Exploring possibilities**: This is often a time where great expectations and dreams for the future are developed.

### Emerging Adulthood and Former Youth in Care

Arnett (2007) has also explored emerging adulthood and FYIC. FYIC do not have the luxury to proceed to adulthood in a gradual and incremental way, or mark it by their own definitions and perceptions of what adulthood is. For many FYIC, identity exploration is taken over by economic survival needs as there is little ability to draw upon family or government support. Therefore, identity exploration may look very different for FYIC than for those with no care experience. The risk of instability is also greater for FYIC, as those with care experience face much higher rates of homelessness and unemployment.

The lack of family support leaves FYIC very vulnerable. Unlike their peers, FYIC did not voluntarily leave their family to pursue freedom and independence. Instead, self-reliance is forced upon this population whether they are ready for it or not.

Munson et al. (2013) discuss how the current theory on emerging adulthood may not fit for young adults with foster care experience. Arnett (2000) states that the transition to adulthood is typically a gradual process, however this is not the case for youth in care where their supports and services are stopped at a
definitive age. Interviewees in Munson et al.’s (2013) study emphasize that they experienced no transition at all, with little ability to turn back to family or other supports like their peers with no care experience. Participants also had multiple adult roles such as parenting and working full time, often that had begun before aging out of care.

An essential part of Arnett’s theory is the age of exploring. However, participants in Munson et al.’s (2013) study discussed how their opportunities to explore were very limited. Instead, this time was often described as a time of preparation. The authors explain that exploration is contextual to one’s life circumstances: one participant stated that emerging adulthood may not be universal, but instead is for those with certain societal privileges. Social and economic restraints are especially noticeable for youth from care such as a lack of financial resources, making exploration almost impossible.

Munson et al.’s (2013) study highlights how there are subcategories within young adults who have different or even opposing lived experiences to those discussed in emerging adulthood theory. Therefore, emerging adulthood may be more of a phenomenon experienced by some young adults who are in privileged positions, instead of an essential process that all young adults go through before full-fledged adulthood. By better understanding the unique experiences of FYIC, policy and practice can be better shaped to provide the benefits of a gradual transition process.

Section Four - Methodology

Action Research has been described as a style of research as opposed to a specific method that aims to generate solutions to practical problems and issues (Meyer, 2000). The focus of Action Research is on improving practice by engaging with those who are involved and affected by the problem, and consequently impacted by the solutions. This approach involves gathering information and engaging in problem solving to ensure that solutions are evidence-based and practical. Multiple perspectives and different ways of knowing are valued, and the focus is inherently future-oriented (Koshy, Koshy & Waterman, 2011; Reason & Bradbury, 2008).

This research project is informed by Action Research as the aim it to explore a problem within the current adult adoption legislation, with the goal of generating recommendations to improve policy and practice. Drawing upon the experiences and perspectives of FYIC and those involved in adoptions work ensures that the recommendations offered are informed by the knowledge of those impacted by the issue. The cross jurisdictional scan of legislation and policy, and the review of pertinent literature further supports evidence-informed decision making.
For the purposes of this research, an inductive research approach was chosen. Inductive research is described as a bottom up approach, in which the researcher moves from making specific observations, to identifying patterns from which a tentative hypothesis is generated. Through the exploration of the tentative hypothesis, some broader conclusions and theories are arrived at. The inductive approach is inherently exploratory in nature, and is well-suited for researching phenomena and personal experiences. In contrast, deductive research starts with a theory from which a hypothesis is generated. An experiment or other method is then used to test the hypothesis. Deductive research is often described as a top down approach to research, and is primarily concerned with causality (Creswell, 2003; Gabriel, 2013). Given that this research explores the perspectives and experiences of various stakeholder groups on adult adoptions, an inductive approach provides an appropriate framework for this project.

**Inductive Research Approach**

![Diagram of the inductive research approach]

**Research Process**

After conducting a brief scan of the literature on adult adoption, it was clear that there is little academic discussion on the topic. As such, it was decided that the research process would begin with a cross jurisdictional scan of adult adoption legislation. Next, key informant interviews with three stakeholder groups were conducted: 1. FYIC in BC; 2. Employees from MCFD who are involved in adoption and guardianship work; and 3. Employees from jurisdictions across Canada that are involved in adoption policy work and who have knowledge on adult adoption practices in their areas. For a list of research questions, please see Appendix Four.

After conducting and analyzing the key informant interviews, a number of patterns and themes were identified, which are explored fully in Section Six. These themes and patterns connect to specific theories, and inform the second half of the literature review. The theories that are evident include social support, permanency, social capital, and emerging adulthood.
Section Five - Cross Jurisdictional Scan

This cross jurisdictional scan includes a review and presentation of adult adoption legislation in Australia, the United Kingdom, New Zealand, South Africa, Canada, the United States, and some European jurisdictions. Where some type of residency criteria is present in the legislation, it has been highlighted in the following tables for the ease of comparison with BC’s s. 44 2(a). While the language around the residency criteria of these jurisdictions is not the same as BC’s, it does provide examples of how other places are regulating adult adoption processes.

Australia

In recent years, there has been a major push to align adoption legislation throughout Australia with the best interests of the child. Blore (2010) compares the legislation of Queensland to other Australian jurisdictions, the United Kingdom, New Zealand, South Africa, Canada, and the United States. The main topic discussed is step-parent adoption, and how this is impacted by adult adoption legislation. Step-parent adoptions constitute the majority of adult adoptions that occur in Australia – approximately 89% (Blore, 2010, p. 63). Step-parent adoption and adult adoption have often been treated as mutually exclusive categories of adoption, which has resulted in some unintended overlaps: this is because many step-parent adoptions involve the adoption of adult children.

In 2009, the Queensland Parliament passed the Adoption Act 2009 (Qld), which includes a number of significant changes from their previous adoption legislation in an attempt to better align with the best interests of the child paradigm. Some changes were also made to step-parent adoptions, including new age requirements. Now, a step-child must be between the ages of 5 and 16 to be adopted, although the chief executive has the discretion to accept an adoption up to the age of 17. This has presented an issue as step-parent adoptions often involve the adoption of older children or young adults. Queensland’s legislation has also never sanctioned adult adoption, and the current adoption act bars adoptions past the age of 18. The author argues that this is incongruent with other Australian jurisdictions and disproportionately impacts step-child adoptions.

Some Australian jurisdictions have experienced issues when the two categories of step-parent and adult adoption have not been considered together. For example, an adult female in New South Wales was able to establish that she had been “brought up, maintained and educated” by her step-father prior to turning 18. However, she was then required to meet the step-parent adoption provision in which she must live with her step-father for no less than 3 years immediately prior to the application for adoption. As an adult residing outside the family home, this stipulation was difficult to meet. Since the time of this case, the
New South Wales legislation has been amended so that the ‘living’ requirement does not apply to the adoption of an adult step-child (pp. 76-77).

According to Blore (2010), Western Australia is the only Australian jurisdiction that has completely eliminated the overlaps of adult adoption and step-parent adoption. A child is defined as anyone under the age of 18, and only refers to ‘child’ as the object of adoption in the step-parent provision. In contrast, the adult adoption provision refers to a “person who is 18 or more years of age” without trying to include adult adoptees within the meaning of ‘child’. In such situations, the adoption of an adult step-child is governed by the adult adoption provision alone.

Adult adoption is not allowed in Tasmania and Western Australia if the prospective adoptee is, or has been, married. Other Australian jurisdictions are not concerned with the past or present marital status of the adoptee, and Blore (2010) states, “Marriage may be an indication of independence from parents and a source of emotional and economic support, but it cannot provide an identity as someone’s child” (p. 75).

The following table provides a breakdown of the adult adoption statutes in Australia. Text has been bolded to indicate if a form of residency criteria is present, to more easily compare with BC’s s. 44 2(a).

Table Two: Adult Adoption Legislation in Australia

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>New South Wales</td>
<td>Adoption Act (2000)</td>
</tr>
<tr>
<td>Residency Criteria</td>
<td>24 (1) An adoption order may be made in relation to a child who:</td>
</tr>
<tr>
<td></td>
<td>(a) was less than 18 years of age on the date on which the application for the order was made, or</td>
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<tr>
<td></td>
<td>(b) was 18 or more years of age on that date and was cared for by the applicant or applicants for the order.</td>
</tr>
<tr>
<td>Victoria</td>
<td>Adoption Act (1984)</td>
</tr>
<tr>
<td>Residency Criteria</td>
<td>10 (1) Subject to this Act, the Court may make an order for the adoption of a person who—</td>
</tr>
<tr>
<td></td>
<td>(a) had not attained the age of eighteen years before the date on which the application was filed in the Court; or</td>
</tr>
<tr>
<td>Residency Criteria</td>
<td>Adoption Act (1988)</td>
</tr>
<tr>
<td>------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Tasmania</td>
<td>19 (1) On application by the Secretary or the principal officer of an approved</td>
</tr>
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<td></td>
<td>agency but subject to this Act, the court may make an order for the adoption of a</td>
</tr>
<tr>
<td></td>
<td>child who—</td>
</tr>
<tr>
<td></td>
<td>(a) had not attained the age of 18 years before the date on which the application</td>
</tr>
<tr>
<td></td>
<td>was filed in the court; or</td>
</tr>
<tr>
<td></td>
<td>(b) <strong>has been brought up, maintained and educated</strong> by—the applicant or</td>
</tr>
<tr>
<td></td>
<td>either of the applicants, or by the applicant and a deceased spouse or <em>de facto</em></td>
</tr>
<tr>
<td></td>
<td>spouse of the applicant, as the child of the applicant or of the applicant and</td>
</tr>
<tr>
<td></td>
<td>deceased spouse or <em>de facto</em> spouse as if the applicant were the parent of that</td>
</tr>
<tr>
<td></td>
<td>child, or the applicant and deceased spouse or deceased <em>de facto</em> spouse of the</td>
</tr>
<tr>
<td>Australian Capital Territory</td>
<td>applicant were the parents of that child.</td>
</tr>
<tr>
<td>Residency Criteria</td>
<td>Adoption Act (1993)</td>
</tr>
<tr>
<td></td>
<td>10 An adoption order may be made for a person who was 18 years old or older on</td>
</tr>
<tr>
<td></td>
<td>the day the application was filed in the court if the person—</td>
</tr>
<tr>
<td></td>
<td>(a) <strong>has been reared, maintained and educated</strong> by—the applicant or</td>
</tr>
<tr>
<td></td>
<td>applicants under a <em>de facto</em> adoption; and</td>
</tr>
<tr>
<td>Country</td>
<td>Adoption Act</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
</tbody>
</table>
| Northern Territory             | Adoption of Children Act (1994)                   | 12 (1) Subject to this Act, the Court may, on application, make an order for the adoption of a child who:  
(a) had not attained the age of 18 years before the date on which the application was filed in the Court; or  
(b) has been brought up, maintained and educated by the applicant or applicants, or by the applicant and a deceased or estranged spouse of the applicant, as his, her or their child. |
| Western Australia              | Adoption Act (1994)                               | 66 (1) Subject to subsection (2), a person may be adopted if he or she —  
(a) is a child; and  
(b) is not, and has not been, married or in a de facto relationship, but not otherwise.  
(2) A person who is 18 or more years of age may be adopted by a relative or a person who was a carer or step-parent of the first-mentioned person immediately before the first-mentioned person attained 18 years of age. |
| Queensland                     | Prohibits adult adoption                          |                                                                                     |
| South Australia                | Prohibits adult adoption. Until 1996, South Australia permitted adoption between the ages of 18 and 20 if the person had been brought up, maintained, and educated by the applicant(s) and there were special reasons for making such an order. It is unclear as to why this jurisdiction abolished adult adoption. |

**New Zealand**

Currently, adult adoption is not allowed in New Zealand (Blore, 2010, p. 77). However, an adoption can still take place after the age of majority, so long as the application is made before the young person reaches the age of majority. The New Zealand Law Commission (1999) argues that extending the upper
The age limit of adoption increases the risk of adoption being used for ulterior purposes, such as adopting an adult to secure citizenship status. While New Zealand does not appear to be moving towards having specific adult adoption legislation, the New Zealand Law Commission (1999) states that the approaches of the United Kingdom, Victoria, Western Australia, New South Wales, and Northern Territory could be considered. The legislation in these jurisdictions restricts adoption to those under the age of 18; however, in circumstances where a young adult has been brought up or maintained by the applicant(s) and/or their spouse, an adoption could be allowed after the young person has reached the age of 18.

**United Kingdom**

The United Kingdom only allows adult adoption for a very short period of time—up to one year after the age of majority is reached. With devolution, Scotland has developed their own adoption legislation and allows for the adoption of adult, so long as the application for adoption was made before the adoptee reached the age of 18.

**South Africa**

South Africa does not allow for adult adoption as all adoptions are limited to under the age of 18 (Children’s Act 38, 2005; Blore, 2010, p. 78).

**Europe**

There is limited available information in English on adult adoption laws throughout Europe. Preventative Justice in Europe (PREJUS) is an online information portal that provides legal information on family law and guardianship matters. Information in English was available for Germany, Finland, Romania, France, Estonia, and Latvia.

**Table Three: Adult Adoption Legislation in Other Jurisdictions**

<table>
<thead>
<tr>
<th>Jurisdiction</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>New Zealand</td>
<td>Only allows for adult adoption if the application for adoption is made before the age of 20 (age of majority).</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Only allows for adult adoption for up to one year after reaching the age majority. In Scotland, the application for adoption must be made before the adoptee reaches the age of 18.</td>
</tr>
<tr>
<td>South Africa</td>
<td>Does not allow adult adoption.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Country</th>
<th>Residency Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Germany</td>
<td>A person of full age may be adopted if the adoption is morally justified. This is in particular the case where a parent-child relationship has already been established. Indicators are for example family ties and gifts as are to be expected and typically are provided between parents and grown-up children, i.e. in particular the long-term willingness to support each other not only in the event of an emergency and an inner bond, connected with financial assistance for maintenance.</td>
</tr>
<tr>
<td>Finland</td>
<td><strong>Adoption of an adult may be granted if it has been established that, while still a minor, the adoptee was taken care of and brought up by the adopter</strong> and that it was not possible to grant adoption while the child was a minor, or that there are other comparable exceptional grounds for the adoption.</td>
</tr>
<tr>
<td>Romania</td>
<td>The rules regarding the adoption of a minor shall apply, with the following special elements regarding the adoption of major persons:</td>
</tr>
<tr>
<td></td>
<td>the stage preceding the approval of the adoption is absent in the case of the adoption of a major person;</td>
</tr>
<tr>
<td></td>
<td><strong>a major person may only be adopted if the adopter or adopting family raised him/her when he/she was a minor</strong></td>
</tr>
<tr>
<td>France</td>
<td>An adult may be adopted if the adoption is morally justified. This is especially the case with an existing parent-child relationship.</td>
</tr>
<tr>
<td>Estonia</td>
<td>The adoption of an adult is not provided for by Estonian law.</td>
</tr>
<tr>
<td>Latvia</td>
<td>This procedure is not established by the law.</td>
</tr>
</tbody>
</table>

**The United States**

The United States has allowed for the adoption of adults for many years; in 1853, Vermont became the first state to recognize adult adoption (Fowler, 1984). Approximately 25 states and the District of Columbia allow the adoption of any person, regardless of age. Other states have restrictive timeframes: Arizona, Colorado, Rhode Island, American Samoa, and the Northern Mariana Islands allows adoption applications for persons over the age of 18 but younger than 21. It is also common for a minimum age difference to be set out, such as the 15 year age difference found in a number adult adoption statutes (Child Welfare Information Gateway, 2013, p. 4).
Alabama only allows for the adoption of an adult if the person being adopted is permanently disabled, or deemed “mentally retarded”. Similarly, Ohio only allows the adoption of an adult if the person is permanently disabled or mentally retarded, or is a step-child or foster child with whom an existing relationship was established when the adoptee was a minor (Child Welfare Information Gateway, 2013, p. 4).

Generally, the only consent required is that of the adoptee, the adopter, and the spouses of both (if applicable). In a small number of states, it is required that the birth parents of the adoptee are notified (Blore, 2010, pp. 79-80).

As was noted in the literature review, some issues have arisen in the adult adoption legislation in the United States. The use of adoption for ulterior purposes such as to secure inheritance rights has created challenges. In order to prevent some of these circumstances, some states including Connecticut, Massachusetts, Montana, Nevada, North Carolina, and Vermont have explicitly banned the adoption of a spouse or an older adult (Blore, 2010, p. 80).

The states of Idaho, Illinois, and South Dakota require that a pre-existing and sustained parent/child-like relationship be established for a minimum amount of time – ranging from 6 months to 2 years. Similarly, Virginia allows for the adoption of an adult stepchild, niece, or nephew so long as the adoptee resided in the same home for at least 3 months prior to becoming an adult. However, the Virginia statute also allows for the adoption of an adult if “good cause is shown”, there is a 15-year age difference, and the parties have known each other for at least a year (63.2-1243. Code of Virginia, 2006). Other states require that a parent/child-like relationship existed before the adoptee became an adult, but do not designate any minimum time parameters (Child Welfare Information Gateway, 2013, p. 4). The following table shows states where a pre-existing family relationship must be in place for an adult adoption to be granted.

**Table Four: States that Require a Pre-Existing Familial Relationship**

<table>
<thead>
<tr>
<th>State</th>
<th>Requirement</th>
</tr>
</thead>
</table>
| Idaho | Requires that a parent-child relationship was formed with the petitioner prior to the adoptee reaching the age of majority  
Relationship must have persisted for 1 year while the adoptee was a minor |
| Ohio | Requires that a parent-child relationship was formed with the petitioner prior to the adoptee reaching the age of majority |
South Dakota
Requires that a parent-child relationship was formed with the petitioner prior to the adoptee reaching the age of majority
Relationship must have persisted for 6 months while the adoptee was a minor

Wyoming
Requires that a parent-child relationship was formed with the petitioner prior to the adoptee reaching the age of majority

Arizona
Parent-child relationship can have formed after the adoptee turned 18 but adoption must be before age of 21

Illinois
Parent-child relationship can have formed after the adoptee turned 18 but adoptee must have resided in home for at least 2 years

Nebraska
Parent-child relationship can have formed after the adoptee turned 18

Virginia
Parent-child relationship can have formed after the adoptee turned 18

Canada
Each province and territory in Canada has its own adoption legislation, policies, and practices. Thus, the requirements for adult adoptions differ from jurisdiction to jurisdiction within the country (Adoption Council of Canada, n. d.).

The majority of provinces and territories specifically address adult adoption within their legislation: however, the language in Nova Scotia’s legislation makes it unclear if adult adoption is permitted. Alberta is the only jurisdiction that addresses adult adoptions in its own separate statute – Adult Adoption Act RSA 2000. Alberta’s approach is unique and is not found in any another jurisdiction within Canada or internationally (Adult Adoption Act, 2000; Blore, 2010, p. 78). Alberta has also developed a publically available “Self-Help Kit to Adult Adoptions” that guides applicants through the adult adoption process.

Quebec also has unique legislation: while it is required that the adopter stood in loco parentis to an adoptee while the adoptee was a minor, “The court, however, may dispense with this requirement in the interest of the person to be adopted” (Civil Code of Quebec, 1994). Such legislation ensures that a parent/child-like relationship exists, while also allowing the courts to exercise discretion and flexibility in individual cases. Blore (2010) states that such an approach makes Quebec’s model the best compromise amongst the various ways of regulating adult adoptions (p. 78).
**Table Five: Adult Adoption Legislation in Canada**

<table>
<thead>
<tr>
<th>Province/Territory</th>
<th>Legislation</th>
</tr>
</thead>
<tbody>
<tr>
<td>British Columbia</td>
<td><em>Adoption Act, 1996</em></td>
</tr>
<tr>
<td>Residency Criteria</td>
<td>Adoption of adults</td>
</tr>
<tr>
<td></td>
<td>44 (1) One adult alone or 2 adults jointly may apply to the court to adopt another adult.</td>
</tr>
<tr>
<td></td>
<td>(2) The court may make the adoption order without the consent of anyone, except the person to be adopted, as long as the court</td>
</tr>
<tr>
<td></td>
<td>(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</td>
</tr>
<tr>
<td></td>
<td>(b) considers the reason for the adoption to be acceptable.</td>
</tr>
<tr>
<td></td>
<td>(3) An adoption order made with respect to an adult has the same effect as an adoption order made with respect to a child.</td>
</tr>
<tr>
<td>Alberta</td>
<td><em>Adult Adoption Act, 2000</em></td>
</tr>
<tr>
<td></td>
<td>2 This Act applies to the adoption of persons who are 18 years of age or older.</td>
</tr>
<tr>
<td></td>
<td>1994 cA-2.3 s2</td>
</tr>
<tr>
<td></td>
<td>Application for adoption order</td>
</tr>
<tr>
<td></td>
<td>3(1) An adult person may apply to the Court in the prescribed form for an adoption order under this Act.</td>
</tr>
<tr>
<td></td>
<td>(2) An application for an adoption order under this section must include</td>
</tr>
<tr>
<td></td>
<td>(a) an affidavit of the applicant outlining the applicant’s relationship to the person who the applicant is applying to adopt and the reasons for adopting that person,</td>
</tr>
<tr>
<td></td>
<td>(b) an affidavit of the person to be adopted indicating the person’s consent to the</td>
</tr>
</tbody>
</table>
adoption and outlining the person’s reasons for wishing to be adopted,

(c) a certified copy or extract of the record of birth of the person who is to be adopted made under the law respecting the registration of births in the province, territory, state or country in which the person was born, and

(d) a certified copy of any change of name certificate made under the law respecting change of name in the province, territory, state or country in which the change of name was obtained.

The Adoption Act, 1998

Adoption of an Adult

24

(1) A person who is 18 years of age or more may be adopted if:

(a) subject to subsection (3), the person consents; and

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

(2) An application for an order of adoption of a person mentioned in subsection (1) may be made by:

(a) married adults jointly;

(b) an unmarried adult; or

(c) any other person or persons that the court may allow, having regard to the reasons for the adoption.

(3) If the person to be adopted pursuant to this section is unable to give or understand consent, the court may dispense with the requirement of the person’s consent.

(4) Sections 3 to 7, 27, 28, 30 and 34 do not apply to an adoption pursuant to this section.
(5) In applying any provision of this Act in relation to an adoption of an adult pursuant to this section, a reference to the person being adopted as a ‘child’ is to be read as if the provision referred to the person being adopted as a “person”.

**Manitoba**

**Residency Criteria**

The Adoption Act, 1997

DIVISION 7

ADOPTION OF AN ADULT

93 An application to adopt an adult shall be made in the prescribed form.

Conditions for adoption of adult

94(1) A judge may make an order of adoption of an adult without the consent of anyone, except the person to be adopted, as long as

(a) the person adopting is older by a reasonable number of years than the person to be adopted; and

(b) the reason for the adoption is acceptable to the judge hearing the application.

Support during minority to be considered by judge

94(2) Where an application is made to adopt an adult the judge shall take into consideration, in addition to any other relevant considerations, whether the care, support and control of the person to be adopted has been provided by the person applying to adopt for a reasonable time during the minority of the person to be adopted.

**Ontario**

Child and Family Services Act, 1990

146.

Adoption of adult, etc.

(3) The court may make an order for the adoption of,

(a) a person eighteen years of age or more; or

(b) a child who is sixteen years of age or more and has withdrawn from parental
control,
on another person’s application. R.S.O. 1990, c. C.11, s. 146 (1-3).

Who may apply

(4) An application under this section may only be made,

(a) by one individual; or

(b) jointly, by two individuals who are spouses of one another.

<table>
<thead>
<tr>
<th>Quebec Residency Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Civil Code of Quebec, 1994</strong></td>
</tr>
<tr>
<td>CHAPTER II</td>
</tr>
<tr>
<td>ADOPTION</td>
</tr>
<tr>
<td>SECTION I</td>
</tr>
<tr>
<td><strong>545. No person of full age may be adopted except by the persons who stood in loco parentis towards him when he was a minor.</strong></td>
</tr>
</tbody>
</table>

The court, however, may dispense with this requirement in the interest of the person to be adopted.

547. A person may not be an adopter unless he is at least 18 years older than the person adopted, except where the person adopted is the child of the spouse of the adopter.

The court may, however, dispense with this requirement in the interest of the person to be adopted

SECTION III
EFFECTS OF ADOPTION

577. Adoption confers on the adopted person a filiation which replaces his or her original filiation.

The adopted person ceases to belong to his or her original family, subject to any impediments to marriage or a civil union.
PART VIII
ADULT ADOPTIONS

50. (1) One adult alone or 2 adults jointly who are resident of the province may apply to the court to adopt another adult under this Act.

(2) An adult may only be adopted in the province where he or she is a Canadian citizen or has the status of a permanent resident of Canada.

(3) The only consent required for an adult adoption is the consent of the adult being adopted.

(4) Notwithstanding subsection (3), the court may dispense with the consent of the adult being adopted where he or she is not capable of giving informed consent.

(5) At any time before an adoption order is granted an adult who consented to his or her adoption may revoke his or her consent.

(6) Where the court is satisfied with the reason for the adoption the court may grant an adoption order.

(7) Where an adoption order is granted under this Part, the court shall send a certified copy of the order to the registrar.

(8) The court shall provide in a schedule to the adoption order information relating to the adoption and direct the registrar to record the information in compliance with the requirements of the *Vital Statistics Act, 2009*.

(9) An adult adopted under this Part has the same rights, benefits and status as a child adopted under this Act.

Children and Family Services Act, 1990

Consent to adopt

74 (1) Where the person proposed to be adopted is twelve years of age or more and
of sound mind, no order for the person's adoption shall be made without the person's written consent.

(2) Where the person proposed to be adopted is married, no order for the person's adoption shall be made without the written consent of the person's spouse.

### New Brunswick

**Residency Criteria**

*Family Services Act, 1980*

65(1) Subject to the provisions of this Part, any child may be adopted.

65(2) Any adult may be adopted where

(a) the person adopting is older by a reasonable number of years than the person to be adopted; and

(b) the reason for the adoption is acceptable to the court.

**Adoption Act, 1988**

28. (1) A person may apply to adopt a competent adult and the court may so order.

(2) Unless the court determines that the person to be adopted is not competent to make such a decision, the requirements of this Act relating to

(a) placement;

(b) adoption study;

(c) consent, other than that of the person to be adopted;

(d) notice of hearing and entitlement to appear,
are not applicable and the court will determine what documentation and considerations are appropriate. 1992,c.1,s.28.

**Yukon**

*Children and Family Services Act, 2008*

Adoption of Adults

130(1) One adult alone or two adults jointly may apply to the court to adopt another adult who is younger than the applicants.

(2) The court may make the adoption order without the consent of anyone except the person to be adopted as long as the court 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. S. Y. 2008, c. 1, s. 130

**Northwest Territories**

*Adoption Act, 1998*

Section 28. (1) A person referred to in section 5 may, in accordance with this Act, petition to adopt a person who has attained the age of majority.

(2) The provisions of this Act respecting the adoption of a child apply, with such modifications as the circumstances require, to the adoption of a person who has attained the age of majority.

(3) Notwithstanding any other provisions of this Act, the only consent required for an adoption referred to in this section is the consent of the person being adopted.

(4) Notwithstanding subsection 27(2), unless the court orders otherwise, the family union report and affidavit of the Director referred to in that subsection need not be prepared for an adoption referred to in this section.

(5) Notwithstanding subsection 27(3), the petition must, in respect of the suitability of the petitioner to be an adoptive parent or, in the case of a joint petition, of each joint petitioner to be an adoptive parent, be further supported by affidavits of persons who are acceptable to the court and by any other material that the court may require.
Nunavut

Adoption Act (Nu), 1998

Section 28. (1) A person referred to in section 5 may, in accordance with this Act, petition to adopt a person who has attained the age of majority.

(2) The provisions of this Act respecting the adoption of a child apply, with such modifications as the circumstances require, to the adoption of a person who has attained the age of majority.

(3) Notwithstanding any other provisions of this Act, the only consent required for an adoption referred to in this section is the consent of the person being adopted.

(4) Notwithstanding subsection 27(2), unless the court orders otherwise, the family union report and affidavit of the Director referred to in that subsection need not be prepared for an adoption referred to in this section.

(5) Notwithstanding subsection 27(3), the petition must, in respect of the suitability of the petitioner to be an adoptive parent or, in the case of a joint petition, of each joint petitioner to be an adoptive parent, be further supported by affidavits of persons who are acceptable to the court and by any other material that the court may require.
Section Six – Key Informant Interviews

Key informant interviews were conducted with three stakeholder groups: FYIC in BC, MCFD employees working in the areas of guardianship and adoption, and those involved in adoption work in other jurisdictions across Canada. Interviews were conducted primarily over the telephone, with one participant choosing to be interviewed in person. Interview times ranged from 30-60 minutes in length and were semi-structured in format. Most questions were open ended to allow for further discussion and exploration on themes highlighted by participants. For a complete list of questions, please see Appendix Three.

6.1 Data Analysis

Thematic analysis is a foundational method in qualitative research that is flexible and can be applied across a variety of theoretical and epistemological approaches (Braun and Clarke, 2006). However, qualitative data analysis is often critiqued for not being rigorous or methodologically sound. The objective of Braun and Clarke’s (2006) six-step approach is to provide a clear framework and parameters for which to undertake thematic analysis, while still retaining its flexible quality.

Unlike other analysis approaches such as Grounded Theory, thematic analysis is not bound to any pre-existing theoretical frameworks and therefore can be used within a variety of approaches. Braun and Clarke (2006) state, “Thematic analysis can be an essentialist or realist method, which reports experiences, meanings and the reality of participants, or it can be a constructionist method, which examines the ways in which events, realities, meanings, experiences and so on are the effects of a range of discourses operating within society” (p. 9).

Two primary approaches can be taken with thematic analysis. A rich thematic description of the entire data set can be generated, in which the most important or predominant themes are identified and are reflective of the entire data set. In such an approach, some of the nuanced complexity is likely lost, but the overall rich analysis remains intact. The second approach is to provide a more detailed analysis of one or two particular themes within the data. The former approach has been taken to analyze the data from the key-informant interviews for this particular research.

After all the interviews were completed, the answers were compiled into an Excel document for organization and analysis. Braun and Clarke’s (2006) six-step process was then employed:

Phase 1: Familiarising yourself with the data
Phase 2: Generating initial codes
Phase 3: Searching for themes
Phase 4: Reviewing themes
Phase 5: Defining and naming themes
Phase 6: Producing the report

Presentation of Results

The results and themes of the key informant interviews are divided into the three stakeholder groups. First, the primary themes identified by each group are presented and explained. Second, the themes identified across groups are discussed and elaborated upon.

6.2 FYIC Participants

In order to recruit FYIC participants, a poster was distributed on the social media pages (Facebook and Twitter) of the Federation of BC Youth in Care Networks. The recruitment poster was also sent out through an email distribution list by the Executive Director of the GAP branch, and was received by adoptions workers throughout the province, who were asked to post the research information in their offices.

In total, six FYIC contacted the researcher to participate in a key informant interview. Four participants identified as female and two participants identified as male. The ages of participants ranged from 23-48 years, with an average age of 34.2 years. The cumulative amount of time spent in government care for the six participants was 74 years, with an average of 12.3 years. While the ethnicity of participants was not asked, two participants identified as Aboriginal. Participants lived in different areas throughout the province, including Vancouver Island, the Lower Mainland, and South-Central BC.

Themes from Interviews

There is a continuous search and desire for permanency

Every participant discussed the importance and need for permanency, although the degree to which this was present in each of their lives varied greatly. One participant was adopted as an adult by their former foster family after being disconnected from them for a number of years. This participant had
rejected the idea of adoption while a youth in the family home, even though it had been offered as an option. After going through a difficult time throughout their early to mid-twenties, including struggling with addiction and involvement in the sex trade, this participant realized the importance of having a caring and supportive family around them. They reached out to their former foster family for support, stating in the interview, “I knew they were my family during my hardest times”. After a meeting with the foster parents and their biological children, it was decided that an adult adoption would be pursued to solidify the family relationship. As a way to symbolize the new family arrangement, an “adoption shower” was held: “This was an announcement to the world that this is my family”.

Another participant had a family-like relationship with their foster parents, but was prevented from actually being adopted by them as an adult due to the residency clause in the Adoption Act. This was a unique housing circumstance, as it was an Independent Living situation in which the foster parents did not actually reside in the same home as the participant. As a result, the participant and their foster parents were told by multiple family lawyers that an adult adoption would not be possible. In light of this, the participant and their foster parents opted to go through with a change of name to symbolize the family relationship that they shared. Reflecting on the relationship with their foster parents, the participant shared, “I feel like I am more apart of them than part of my birth family”.

One participant described how the continuous search for permanency and an innate desire to belong is one of the reasons why many FYIC end up connected to gangs or other unhealthy sources of community. This participant highlighted the fundamental need to provide positive connections for FYIC, and suggested that places such as Native Friendship Centres, Boys and Girls clubs, and Pow Wows are great places to forge healthy relationships. This participant described how their search for relational permanency never stopped until they met and married their spouse.

One participant discussed how ending the search for permanency at 19 is “the worst idea, as all humans require permanency throughout their lives”. They stated that permanency is a fundamental need for everyone that never changes or goes away, and stressed the importance of telling youth leaving care that they can find permanency, even if it occurs after aging out.

**Adult adoptions provide various and diverse benefits for FYIC**

When asked what benefits adult adoption could provide FYIC, participants provided a wide variety of ideas. Most responses spoke to the symbolic nature of being a part of a family and having unconditional
love. Some participants spoke about the emotional security that comes with belonging to a family – one participant described this as a “sense of ownership and wantedness”.

Participants discussed how the perception of one’s self was changed when being permanently connected to someone. One person described how they had a new sense of wanting to make their adopted family proud of them – that they had an increased sense of how they wanted to conduct themselves in the world. Others talked about how their self-confidence increased when feeling like they belonged to someone. The ability to create your own family, after having your natural family relationship changed through coming into care, was also discussed. Participants described how there is always a sense of impermanence with foster parents, and that adoption feels much more secure.

Other, more tangible benefits were highlighted including that adult adoption would provide different modes of support past the age of 19. The ability to return to a family home and have people to celebrate major life events with was seen as especially supportive and important. While not raised by many participants, some spoke of the benefits of having a legally recognized family unit. One participant stated that adoption raises the status of a child in a family, meaning that they have increased recognized rights and benefits, including inheritance.

**There are challenges and issues with the current adult adoption process**

Participants raised a number of challenges and issues with the current adult adoption process. The circumstance in which the FYIC could not be adopted by their foster parents as it was an Independent Living situation, serves as an example of how unintentional consequences may be occurring as a result of the residency clause. Other issues that were highlighted include the lack of information on the adult adoption process: the two participants who had some involvement with adult adoptions stated that they had no idea where to go for information. Neither participant had heard of an adult adoption before pursuing one, as it was not discussed during their time in care or when transitioning out of care.

Another issue is the financial cost of undertaking an adult adoption application, which includes lawyer’s fees as well as costs associated with changing one’s name, birth certificate, and personal identification documents. The participants discussed how this could be a potential barrier as many FYIC do not have the financial means to hire a lawyer, and this financial burden could also be deterrent for potential adoptive parents. The idea was posed that MCFD should strongly consider paying for the associated legal fees for FYIC who wish to be adopted as adults.
There are unique considerations for Aboriginal FYIC in the adult adoption process

The unique needs of Aboriginal FYIC should also be taken into consideration when looking at adult adoptions. One participant stated that there was no information available regarding if their status as an Aboriginal person (Status Indian) would be impacted by being adopted as an adult, and highlighted how this is a critical consideration. According to this participant, some Aboriginal people believe that they have lost their Indian status after being adopted by someone who is not Aboriginal. Another participant raised that in order for an individual to become a member of a Band, this must happen before they are 18. Once they are over the age of 18, they must be voted in by the community.

The critical importance of maintaining cultural connections for Aboriginal young adults was raised. The idea of having Roots workers for youth who have aged out of care was brought up. The purpose of Roots workers is to ensure that Aboriginal children and youth have a plan to preserve their Aboriginal identity and to retain ties to their family, community, and heritage. The intergenerational trauma that is present in Aboriginal communities was also raised as an integral consideration when working with Aboriginal FYIC. Opportunities need to be provided for Aboriginal youth to create their own support networks that include their elders, culture, and communities.

There are negative perceptions of adult adoptions

The two participants who had involvement with the adult adoption process highlighted how there are a number of negative perceptions about adult adoptions. One participant felt that they faced criticism from the family lawyers that they approached, who questioned if money or securing rights to inheritance fuelled the motive. Given that adult adoption is a rare process, participants have also faced criticism and stigma from the general public. There is a perception that once one is an adult, you are independent and do not need the support of those in a parental capacity. This perception plays into the view that adult adoption is a strange and unnatural thing to desire, and that it must be fuelled by ulterior motives. Participants discussed the impact of such negative perceptions, and shared that they had to overcome these feelings so that they remained open to the adoption and having support from caring adults.

There is a misconception that permanency can only take one form – legal permanency

One participant in particular highlighted that permanency can take all shapes and forms, and is dependent on the unique needs of each young person. However, permanency has become a major buzzword within the child welfare system and the overwhelming focus is on legal permanency with a parental figure. This participant stressed that while legal permanency is very much desired by some youth in care, this is not the case for all. For many FYIC, permanency can be created through a sense of belonging, such as within
a spiritual, sports, or music community. The key is that permanency can manifest in multiple ways and that it is up to child welfare professionals to truly know each youth so that their permanency options are individually focused.

This participant also suggested a reframe of language from permanency to “connection”. To them, connection is a broader concept that encompasses permanency, but expands beyond this idea. By striving beyond permanency, different avenues and creative ways might be explored to create connection for youth in care. Such a reframe pushes thinking outside the box, and may facilitate connection opportunities that have not previously been considered from a permanency lens.

**Issues in the current child welfare system, including a need for a paradigm shift**

One theme that was raised continuously by participants is the issues and challenges in the current child welfare system. A number of participants discussed how social worker perceptions of youth and permanency are a major barrier: it was felt that many social workers do not believe that older youth can be adopted, and as such, adoption was rarely discussed or pursued.

The need for a paradigm shift in the child welfare system was raised – one that views permanency as achievable after the age of 19. A number of participants shared how detrimental it is to stop the search for permanency based on age. Further, all domains of permanency are intimately interconnected: FYIC need financial support, housing, relationships, connection, and other forms of permanency. Participants stated the importance of facilitating opportunities for young people to have supports in all areas.

Stability was a significant topic raised by participants. One participant in particular experienced so many placement moves during their time in care that they had no idea how many caregivers they had lived with. This participant was also institutionalized numerous times, between youth custody and mental health facilities. According to the participant, they believe that their diagnosis of Reactive Attachment Disorder is a direct result of their instability while in care. Another major stability disruption for this young adult was being removed from school at a young age due to behavioural issues. This participant discussed how their removal from school had a major impact on their life, as this is where children learn social skills and how to interact with others. The participant also discussed the trauma of not remaining connected to their biological siblings, stating that these relationships were not prioritized while in care, and now they have no real relationship with their family. When asked what recommendations they had for MCFD regarding young adults and permanency, the participant stated, “don’t do what they did to me”. They suggested that far more work needs to be done to secure permanent, stable homes for youth and young adults, and that more resources are needed to teach social/relationship skills to FYIC, so that they can form healthy
connections throughout their lives. FYIC would be better prepared to consider an adult adoption if they have the essential interpersonal skills.

**It is challenging to navigate relationships with birth family**

One of the most prominent challenges regarding adult adoptions is the complexity of navigating relationships with birth family. Participants discussed that there is often a sense of loyalty to their birth family, and adoption can feel like a betrayal of this relationship. Some participants also shared the reactions of their birth family when they found out that they were going to be adopted as an adult. Some family members were supportive, while others took the news very hard. There is some ongoing sense of guilt for this participant in choosing a new family ‘over’ the birth family.

**Youth in care require supports, connection, and resources when transitioning out of care**

A major theme is the need for increased support for youth as they transition out of care. Participants indicated that more work needs to be done to better prepare FYIC to meet the challenges of adulthood. In particular, participants highlighted the need to have relationship-building skills and to have resources like counselling to process trauma from their childhood. One suggestion was that funding for counselling should be made available for FYIC after they have left care. One participant stated that they had to do so much personal work in their early to mid-twenties before they even felt they were deserving of love. This participant needed to engage in personal healing before they were open to the idea of adult adoption and joining a permanent family. However, the cost of counselling and other forms of support are often so high that they are attainable for many FYIC.

Other participants highlighted how they would have benefited from learning relationship-building skills while still being in care, and suggested that mentorship programs may be a good way to foster these skills. Another participant suggested that permanency plans for after care should be created, so that permanency remains the primary goal. An assessment of attachment was also posed as an idea. This participant suggested that it is important to know what ability a youth in care has to properly attach to a caregiver – by knowing this, the proper supports can be put into place to increase this individual’s capacity for attachment.

**6.3 MCFD Participants**

Employees of MCFD were recruited through an email sent by the Executive Director of the GAP branch. In total, four MCFD employees participated in the key informant interviews. The professional roles of
these participants ranged from Team Leaders, to Guardianship Workers, to Adoption Recruitment Workers. One participant also identified as having been adopted as an adult, and spoke of their personal experience with the process throughout the interview.

**Themes from Interviews**

**The search and need for permanency does not end at 19**

All participants stated that 19 was an unrealistic age to expect youth in care to be independent adults, and that the need for permanency does not end arbitrarily when aging out of care. Participants highlighted that while the focus of their work is on securing permanency for children and youth in care before the age of 19, they believe that the importance of finding permanency does not simply end. Some participants stated that because MCFD had taken over the care of these children, all efforts should be made to secure permanency, even if the young adult has left care.

**MCFD could play a greater role in facilitating and promoting adult adoptions**

Participants had different ideas of how MCFD could, or should, be involved in adult adoptions. Some felt that MCFD should not have more direct involvement in the process, but that the associated legal fees should be covered for young adults who had been in Ministry care. Others felt that MCFD could play a greater role, such as having adoptions workers help facilitate the process, but highlighted that more resourcing might be required to make this feasible. Some participants also suggested that information on adult adoptions should be more widely available, such as including this information on MCFD’s website and developing an information pamphlet that can be given to foster parents, youth leaving care, and organizations that work with FYIC. It was also highlighted that MCFD employees may need additional training on adult adoptions if it is to become a greater priority in practice.

**The residency clause in the Adoption Act may create barriers for FYIC to achieve permanency**

All participants except for one believed that the residency clause causes unintended barriers to permanency. The one participant that believed the residency clause should remain in place raised concerns about how it could be a ‘slippery slope’ to remove the clause, and therefore create situations where adult adoptions could be used for ulterior purposes. All other participants stated that the residency clause seems unnecessary, and that having a strong court review process should be adequate to determine if the adoption application is to recognize an existing parent/child-like relationship.

A number of participants highlighted how some FYIC may have resisted adoption during their childhood or youth, but then change their minds once they reach their twenties. Participants believe that young
adults in this situation should have the ability to achieve legal permanency if it is desired. The impact on social workers was also raised, as some may feel at a loss if they are unable to find legal permanency for youth on their caseload—adult adoption also provides social workers with more opportunities to achieve this. Finally, participants discussed how even some social workers have been prevented from adopting FYIC from their caseload due to the residency clause, and that this is an unnecessary barrier for both parties.

**Adult adoptions provide a number of benefits for FYIC**

All participants identified that there are a number of potential benefits that adult adoptions may provide FYIC. One participant in this group was adopted as an adult, and spoke of their personal experience with the process. They highlighted the emotional and psychological benefits, particularly that there is strong symbolic power in an adoptee and adoptive parent “claiming one another”. Other participants discussed that a sense of belonging is integral for all people, but may be especially so for FYIC as they have been removed from their family of origin. There was consensus amongst participants that the need for permanency does not end at the age of 19, and that most FYIC will continue to seek various forms of permanency throughout their lives.

Participants also raised the legal benefits of being adopted as an adult. Inheritance was raised, as many FYIC lose their inheritance benefits when they are taken into government care permanently. While birth families can still include their children in wills if they have been permanently removed, according to some participants, the likelihood of this is quite low. Thus, the ability for FYIC to inherit from an adoptive family may provide some security benefits that they may have otherwise missed.

Other tangible benefits, such as making end of life decisions, were also raised. For the participant who was adopted as an adult, the ability for them to make end of life decisions about their adoptive father was critical and was one of the catalysts for pursuing the adoption. Another participant raised a circumstance in which a FYIC was in a terrible accident and decisions had to be made about their healthcare. The foster parents that had a strong relationship with this young adult were not in a legal position to be making such decisions, and so decisions were left to a distant biological relative who had little knowledge or interaction with this young adult. If this FYIC had been adopted as an adult, then their adoptive parent would be in a position to make such decisions.

**A variety of permanency options, including adoption, needs to be available to youth leaving care**

Participants highlighted how a variety of permanency options should be made available, as adult adoption will not be an appropriate fit for all. One suggestion was that mentorship programs could be strengthened
and more widely used. MCFD does have an adult mentorship program in place, but it is not particularly robust or well utilized. Some participants discussed how this might be a positive opportunity, as this is a program that is already established and resources could be focused on strengthening it. This program could match youth in care who are set to age out with caring adults in the community, with the intention of building relational permanency. If the relationship continued, the young adult and their mentor could explore the option of an adult adoption – dependent on if a legislative amendment occurs.

Another participant highlighted that it would be very useful for youth in care to have an MCFD transitions worker who provided support for a few years after aging out of care: this transitions worker could provide practical support such as information about education and employment, as well as continue the search for permanency with the young adult. It was suggested that permanency plans for *after care* be developed, if it is known that a youth will age out before achieving relational and legal permanency, to ensure that the goal of permanency remains central. Finally, another option that was suggested is allowing youth to remain in care until the age of 24 if it is desired. Some other jurisdictions are beginning to adopt this approach, and it may be a more suitable arrangement for some FYIC.

**There are issues in the current child welfare system that are preventing youth in care from being adopted**

One theme that was apparent in the interviews is that there are issues within the current child welfare system that are preventing youth in care from being adopted. According to participants, some social workers do not believe that youth over the age of 12 are adoptable, and therefore, do not pursue adoption as a permanency option. Another issue that was raised is that foster care providers lose much of their financial support if they chose to adopt a child living in their home. This is a barrier, as foster care providers may be the most likely to adopt a young person who has been in their care.

One participant also discussed how a FYIC who they know shared that they are not pursing an adult adoption out of concern that they could lose their Ministry benefits, such as AYA. While this may not be true, it highlights that there is a lack of accurate information available on the adult adoption process.

**6.4 Cross Jurisdictional Participants**

Participants in Canadian jurisdictions outside of BC were recruited through an email distributed by the Executive Director of GAP. In total, representatives from 4 jurisdictions were interviewed and one additional province provided information via email. In one jurisdiction, a representative from a youth-serving non-profit agency was also interviewed - providing a much needed community service.
The jurisdictions that participated include Alberta, Manitoba, Nova Scotia, New Brunswick, and Prince Edward Island.

**Themes from Interviews**

**Adult adoptions are not a priority for jurisdictions at this time: the priority is on achieving permanency before 19 and supporting youth transitioning out of care**

Every jurisdiction stated that adult adoptions are not a current priority. When inquiries regarding adult adoption are received, individuals are generally directed to a family lawyer to discuss the requirements and process. There is an increased focus, however, on providing supports to youth as they age out of care - such as providing monetary support until the age of 24 for those attending post-secondary schools. Moreover, the focus of child welfare agencies is on achieving permanent, stable homes for youth before they leave care, and so resourcing goes into meeting this objective. While participants from some of these jurisdictions thought that using adult adoption as another permanency tool is interesting, they did not think that there would be much uptake on a provincial scale. According to some participants, it is more likely that individual workers would incorporate adult adoption information into their personal practice, as opposed to having a large-scale policy and practice shift in this direction.

**The residency clause in BC’s Adoption Act is an unnecessary barrier and other mechanisms can be developed to protect against the use of adult adoption for ulterior purposes**

All jurisdictions interviewed stated that the residency clause in BC’s legislation seems like an unnecessary barrier that may have unintended negative impacts. The legislative language in these jurisdictions regarding residency requirements and maintaining an adoptee when they were a minor differs from BC’s legislation. Participants stated that while the intention behind BC’s residency clause may be positive, it seems overly restrictive and complicated. It was stressed that there may be other ways to protect against the abuse of adult adoptions for ulterior purposes, by trusting that the courts will be able to discern if an adoption application is appropriate or not.

**There are important cultural considerations for Aboriginal CIC and adoptions**

Some key considerations were raised regarding Aboriginal youth and adoptions. Given the legacies of residential schools and the 60s Scoop, Aboriginal communities are often very hesitant about adoption. As such, adoption may not be the most desirable or welcomed approach to achieving permanency for Aboriginal FYIC. One participant stated that adoption, as it is understood in the context of modern child welfare, is very much a Western approach to caring for children. Aboriginal communities typically take a
community-oriented approach to the care of their children and youth, which is a very different paradigm than how the child welfare system operates.

Given this community-oriented approach, this participant stated that they are less concerned when an Aboriginal youth on their caseload is not adopted before aging out, as they are often cared for and welcomed by their community. However, there may be times that an adult adoption is desired by the two parties, even if it is not welcomed by the Aboriginal community of the FYIC. One participant discussed how there have been circumstances where an adult adoption takes place when the Band of an Aboriginal FYIC did not consent to a minor adoption as it was a cross cultural placement. However, the two parties choose to pursue an adult adoption after the individual has aged out of care and when their Band is no longer required to consent to the adoption.

Role of child welfare agencies in adult adoptions

Participants were mixed on the roles that child welfare authorities should play in adult adoptions. Some stated that because adult adoption falls outside of the core mandate of child welfare agencies, no further involvement should exist beyond what is already in place. Others discussed how child welfare agencies should be more up-to-date on adult adoption practices, and act as a place of information on the process. Other participants felt that a more active role could be taken, in which child welfare agencies could extend their mandate to provide services for FYIC only on the adult adoption process. This work could be done by employees who already engage with the over-19 population, such as those involved in Agreements with Young Adults, Independent Living, and related post-majority programs.

One participant raised concerns about child welfare agencies continuing to maintain contact with FYIC, stating that more “damage” could be caused by continuing to interact. As such, they believed that the best scenario would be for child welfare agencies to have up-to-date information on adult adoption, but have a third party like a lawyer facilitate the process.

19 is an unrealistic age for adulthood

All participants indicated that the age of 19 is an unrealistic age for youth in care to be considered adults. Given the traumatic backgrounds that many FYIC have experienced, it is further unrealistic to expect them to be completely independent when the same expectations are not placed on other young adults from the general population. Participants discussed how youth in the community often leave their family home and subsequently return a number of times throughout their twenties before reaching full independence. However, FYIC do not have this luxury and often struggle with social barriers like homelessness as a result. Some participants discussed the links between developmental and emerging adulthood research,
which supports that it is becoming increasingly difficult for young people to become independent. Further, some participants challenged the idea of independence, arguing that instead we should be teaching FYIC to live *interdependently* with multiple relationship connections.

A variety of permanency options are needed to meet the unique needs of youth in care

All participants discussed the importance of providing a variety of permanency options for youth in care. For some youth and young adults, adoption is a desired way to achieve legal and relational permanency. For others, having opportunities to build long-term relationships with caring adults is a good way to ensure that they have support after leaving care. Mentorship programs and independent living programs that focus on relationship-building may be a more appropriate fit for some youth who do not wish to be adopted as a minor or as an adult.

One participant who works for a youth service agency highlighted that youth are often viewed as unadoptable in the current child welfare system. This participant’s organization is focused on youth engagement, and also advocates for the adoption of older children and youth. While adoption is a major topic in the organization, this participant shared that they have never heard anyone, youth or professional, discuss adult adoptions before. In the jurisdiction where the organization operates, permanency planning committees are established to make long-term plans for children and youth in care. However, the focus for youth tends to be on aging out of care as opposed to achieving legal or relational permanency. The participant wondered if there may be an opportunity in the permanency planning committees to discuss adult adoptions with the young adults, and work with them to identify possible “adult adoptable connections”.

6.5 Overarching Themes from Interviews

There are a number of overarching themes from the key informant interviews. First, participants believe that 19 is an unrealistic age for youth in care to become independent adults. Given that many young adults in the general population live at home longer or return home throughout their twenties, it is further unrealistic to expect FYIC to be prepared for the challenges of adulthood. Further, the search for permanency does not end when YIC turn 19. The desire for connection and permanency is so strong in all humans, and FYIC are no exception. Given that youth in care are removed from their family of origin, they have an increased risk of vulnerability and disconnection that make finding permanency even more critical.
It is also clear that adult adoption is not a widely explored option for securing legal permanency. For the participants who had personal experience with adult adoptions, they stated that there is a distinct lack of available information on the process. They also shared that adult adoption was not discussed with them as an option when leaving government care. Jurisdictions highlighted that they have little involvement with adult adoptions as it falls outside the mandate of child welfare services. Adoption and guardianship workers were also unfamiliar with adult adoptions, and most had never dealt with the legislation in their practice.

There is an increasing recognition that youth in care require multiple avenues of support when transitioning to adulthood, and a variety of permanency options are required. Participants across all three groups discussed the importance of focusing permanency options to the unique needs of each young person. For some, creating a legally recognized family unit is key to feeling safe and secure. For others, participating in different communities and having relationships with mentors or other important adults can create permanency. Opportunities for youth in and from care to build healthy, nurturing connections is integral for their success. All participants discussed that the child welfare system has an obligation to facilitate such opportunities, and many participants believe that these duties extend past the age of majority.

Another theme that was present across the three stakeholder groups is the need for a paradigm shift within the child welfare system. Participants felt that some social workers believe that youth and young adults are unadoptable, and so do not pursue permanent life-long placements. This may contribute to the high number of young people aging out of the care system with few connections and a lack of a support network. Participants stated that this mindset needs to be challenged, and that the system needs to think more creatively about how permanency can be achieved.

All stakeholder groups highlighted the unique considerations and needs of Aboriginal FYIC. The legacy surrounding the adoption of Aboriginal children may impact how adult adoption is viewed or received by Aboriginal communities. The key point that was raised across interviews is that Aboriginal youth must have opportunities to connect with their cultures, communities, and families. Roots workers for youth that have aged out of care was posed as a way to ensure that all domains of permanency, particularly cultural permanency, are being fulfilled.

BC’s residency clause was considered an issue across all interviews. All except one participant felt that the residency clause is creating unnecessary barriers to permanency. The one participant who believes the residency clause is important raised concerns about the use of adoption for ulterior purposes. However, other participants highlighted that preventative measures can be implemented to protect against the abuse
of legislation. Consistently, participants in group two and group three discussed the importance of having a thorough review process by the courts for all adult adoption applications. It was felt that judges are well prepared to exercise discretion, and ensure that an adult adoption is legitimate and ethical. Numerous participants stated that the ability for FYIC (and others) to achieve legal permanency is more important than being concerned with how some people may try to abuse the adult adoption process for ulterior means,

Section Seven – Discussion

It is evident that adult adoption is a unique area of legislation and practice. There is little information available on adult adoptions, and research on the topic is scarce – particularly as it relates to FYIC. However, the growing recognition that FYIC require supports and permanency past the age of 19 may change this situation. The fact that BC is examining its current adult adoptions legislation and policies is an indicator that more attention is being paid to the unique permanency needs of youth leaving care: adult adoption is one example of the many permanency options that are needed.

Cross Jurisdictional Considerations

The cross jurisdictional scan and the key informant interviews with adoption professionals across Canada highlights that adult adoptions is not being examined or discussed by other child welfare jurisdictions at this time. While the adoption of adults is allowed in all Canadian jurisdictions, it is rare and few people have experience with the process. It is also clear that adult adoption is not being explored as a way to facilitate permanency for FYIC. One of the major reasons for this may be because adult adoptions falls outside the core mandate of child welfare services. Instead, there is an increased focus on expanding services for youth leaving care, such as extending care until the ages of 21-24, or providing financial resources for housing and post-secondary education.

There is no uniform approach to adult adoptions as the legislation differs from jurisdiction to jurisdiction, even within the same country. For example, some jurisdictions in Australia do not allow adult adoption even though it is sanctioned in most states and territories. Unintended overlaps in legislation also exist, such as adult adoption and step-parent adoption legislation in Queensland, Australia. The United Kingdom allows adult adoptions, but only for one year after the age of majority. However, in Scotland an adult adoption is only possible if the application for adoption was made before the young person turned 18. Alberta is unique in that it is the only jurisdiction that has its own stand-alone statute governing the adoption of adults.
The United States has received the most attention for their adult adoption practices. Due to the open nature of adult adoption statutes in many states, there have been circumstances where legislation has been used for ulterior means: inheritance purposes have dominated the discussion, as has adoption by same-sex couples. As such, a negative perception of adult adoptions has been created.

**Social Context of Adult Adoptions**

Out-dated thinking on the independence of young adults has further perpetuated the stigma surrounding adult adoptions. Emerging adulthood research argues that many young people in today’s society are taking longer than previous generations to become fully independent. Child welfare policy has not yet caught up with this social reality as young adults still age out of care at a specific, static time, whether they are prepared for independence or not. As most are unable to return to a family home, the majority of FYIC must fend for themselves and take on adult roles before they are ready to. Critiques of emerging adulthood theory argue that the ability to gradually transition to adulthood does not match the experience of FYIC, and may in fact only be relevant for those in positions of societal privilege. Perhaps more than their peers with no care experience, youth leaving care need social networks, nurturing relationships, and positive mentors to help navigate the challenges of adulthood.

Adult adoption also challenges traditional notions of parent and child, expanding these concepts to apply to parties who are both legally adults. A key characteristic of adult adoption is that it recognizes an already-existing familial bond between two people. As such, the process also challenges what defines a family, and who had the right to define family.

Questions are also raised regarding the role of government in securing permanency for children and youth that they have assumed responsibility for. For parents in the general population, the duty to their children extends indefinitely, while the responsibility of the state ends at a specific time. Courtenay (2009a) argues that the state is not meeting its obligation as “corporate parent” to youth aging out of care, stating, “Given this lack of accountability, it is perhaps not surprising that significant gaps remain in the safety net for foster youth making the transition to adulthood” (p. 10). The majority of participants in the current research project believe that the child welfare system, and government as a whole, could do more to support FYIC find permanency. Suggestions ranged from providing more mentorship opportunities to youth while still in care, to developing youth transitions workers, who would support the search for permanency for youth who have aged out.

While adult adoptions can be a tool to facilitate legal permanency for any adult who meets the eligibility criteria, this is true especially for FYIC. It is widely recognized that the outcomes for FYIC are poor across a spectrum of domains, yet research has shown the protective potential that nurturing relationships...
can have for this demographic. Promoting adult adoptions as a way to create a family also changes the narrative on permanency: It proves that permanency after the age of 19 is not only desired, but also achievable. Participants in the current research project spoke to this idea often, stating that connection and belonging are innate human needs. However, the current paradigm in the child welfare system is that the older a child is, the less need or ability they have to attain permanency.

It is also important that the needs of other adults who are not FYIC, but wish to be adopted, are not forgotten. Perhaps the most prominent example of this is step-parents and their adult step-children. As it currently stands in BC, a step-parent would not be able to adopt their adult stepchild if they did not care for or maintain them while the step-child was still a minor. However, it is quite common that step-children are older and already adults by the time a step-parent enters their lives: an adult adoption may be desired to solidify this family unit. This is a critical consideration when looking at the current Adoption Act as unintended barriers may still be in place if an amendment only addresses the needs of FYIC.

**Creating Opportunities to Build Relationships and Expand Social Capital**

Research has demonstrated that youth in care need opportunities to grow their social capital by building relationships with supportive people outside of the foster system. In Tweedle’s (2005) research, FYIC identified that they need ongoing, supportive relationships after leaving care. This is supported by the personal experiences and ideas of research participants in this project, who spoke to the critical importance of building relational permanency. Creating opportunities for families and adults in the community to get to know youth in care will build relationships that may eventually lead to an adoption, minor or adult. If an adoption is not desired, such connections can still provide a long-term support network.

There may be adults who have never considered adoption as they are not interested in adopting a child, but may consider it for an older youth or young adult who they have a connection with (Child Welfare Information Gateway, 2013). In order to tap into these adults as possible adoption resources, new and focused recruitment strategies may be needed. Given how little information is easily available on adult adoptions, it is no surprise that few people know of the option. Until recently, there has also been very little public knowledge on the number of youth in care, how many age out on an annual basis, and the challenges they face over their lifetime. By increasing the public’s knowledge and providing them with ways to positively contribute to the lives of FYIC, more people may consider adopting older youth and young adults.
Connection and Mentorship Programs of Interest

Programs like ‘You Gotta Believe!’ in New York focus on connecting youth in care with adults in the community, with the objective of building relationships that eventually lead to an adoption. This organization takes a youth-focused approach, and begins recruitment from the youth’s perspective by asking them to identify all important connections in their life. The goal is to identify a strong circle of support – including family, social workers, mentors, teachers, and others, in which there is at least one person who is willing to make a lifetime commitment to the youth. If for whatever reason there is no such person, the organization works with the youth to find alternative caring adults who would be open to an adoption.

Mentorship is another way healthy relationships can be facilitated for youth in care. ‘Caring Adults R Everywhere’ (CARE) is a natural mentoring intervention program for youth in and aging out of foster care. The purpose is to strengthen and enhance relationships between foster youth and their self-selected natural mentors before they age out of foster care.

The program is 12 weeks in length, and involves both the youth and their natural mentors. Before the program begins, the youth meets with the program coordinator to identify their natural mentor. After undergoing a screening and approval process, the natural mentor then participates in a trauma-informed training to better understand the needs of youth who have been in foster care and the expectations of them going forward as a natural mentor. Throughout the 12-week program, the youth and their natural mentor participate in group activities as well as specialized one-on-one sessions with the program coordinator. In addition to weekly programming, mentors and mentees meet up every week for at least two hours and during this time mentors provide hands-on life skills training. At the end of the program, a graduation ceremony is held to symbolize the work that the mentor and mentee have put into forging their relationship. Further one-on-one sessions are also available to support the growth and longevity of the relationship. This project is currently being piloted in Philadelphia’s child welfare system, and has undergone a formative evaluation by way of focus groups to enhance the impact of the program.

Such a program may be of interest for BC, as it is a youth-led initiative that focuses on building long-term relational permanency. Further, the relationship between a natural mentor and a young adult may develop to a place where an adult adoption is desired. This may be one of a number of ways that the ministry could support the post-care permanency needs of FYIC. However, s. 44 2(a) of the Adoption Act would need to be amended to allow for such relationships.

Courtenay (2009a) cautions that the last thing FYIC need is yet another failed relationship with an adult. Many youth in care have experienced numerous failed relationships, including with their biological
parents and foster parents. Government-created programs that focus on connecting youth in care with adults in the wider community, while well-intentioned, should be approached thoughtfully. If the relationship ends or does not work out, this may expose the young person to more harm and trauma. As such, programs that focus on building capacity within natural mentoring relationships may be the most appropriate, as these relationships are already established between the young person and the adult (Courtenay, 2009a, p. 15).

Resource Implications

Depending on what actions MCFD is considering regarding adult adoptions, the resource implications can be minimal or quite extensive. A number of ideas on how to improve policy and practice have developed over the course of this project, all of which involve some level of resourcing. The following table outlines some of these ideas, and is organized by the level of resourcing that may be required.

Table Six: Resource Implications

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<thead>
<tr>
<th>Minimal Resource Implications</th>
<th>Medium Resource Implications</th>
<th>Greater Resource Implications</th>
</tr>
</thead>
<tbody>
<tr>
<td>Update MCFD’s adoption and AgedOut.com websites to include adult adoption information</td>
<td>Include adult adoption information in foster parent/adoptive parent training sessions</td>
<td>Draft and implement amendments to s. 44 2(a) of the Adoption Act</td>
</tr>
<tr>
<td>Develop and publish a youth-friendly handbook on the adult adoption process</td>
<td>Implement a targeted information and recruitment campaign on permanency for youth/young adults</td>
<td>Provide ongoing permanency support to FYIC via youth transitions workers</td>
</tr>
<tr>
<td>Discuss adult adoptions in case planning meetings with youth who are transitioning out of care</td>
<td>Waive all adult adoption fees for FYIC</td>
<td>Enhance or revamp current mentorship programs to facilitate relationship-building opportunities for youth in care</td>
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A Unique Opportunity

MCFD is in a unique position to enhance adult adoption practice, and provide a very tangible permanency option for those that desire it. With the growing recognition that not enough is being done to support youth as they leave care, providing more opportunities to build connections and family is integral. FYIC are forced to take on adult roles at a much earlier age than those in the general population, and often have a limited support network. More often than not, FYIC cannot return to any kind of family home and do not have a significant person to share major life events with. Moreover, the mentality that permanency ends at 19 is simply not true – this research amongst others has demonstrated that the desire to have a family or community does not end. By improving adult adoptions policy and practice, BC can be a leader on how to creatively expand permanency options for FYIC.
Section Eight – Recommendations

The recommendations are listed in the following sequence as they build upon each other, and in doing so, strengthen the child welfare system to meet the unique permanency needs of youth and young adults. Shifting the current child welfare paradigm so that it is more responsive to this demographic involves refocusing on the unique permanency needs of youth and young adults. Such a culture will prioritize including youth in their case planning, discussing the variety of ways permanency can look, and explaining the benefits of both minor and adult adoptions. This work would be further supported by generating opportunities for youth and young adults to build relationships with caring adults, and by educating diverse people on the adult adoption process. Implementing such mechanisms will support young people in their transition to adulthood generally, and also better prepare them for considering adult adoptions as a possibility. Amending s. 44 2 (a) so that it is more accessible, in tandem with these other concrete actions, ensures that the adult adoptions process is as strong and effective as possible.

1. Create a child welfare culture that prioritizes the permanency needs of older youth and young adults

   • Educate social workers that youth and young adults desire permanency, and that permanency may look different for this demographic;
   • Incorporate the guiding principles of the Permanence for Youth Framework;
   • Involve youth in their case planning in an authentic, collaborative way; and
   • Acknowledge and embrace the unique permanency needs of every child and youth in care.

2. Generate opportunities for youth and young adults to build relationships with caring adults

   • Further develop and enhance youth and young adult mentorship programs. Consider making such programs available to FYIC. See ‘You Gotta Believe!’ and ‘Caring Adults R Everywhere (CARE)’ as examples;
   • Focus such programs on establishing relational permanency, with the hope that they will eventually lead to a legally-permanent relationship; and
   • Consider developing a recruitment campaign for caring adults in the community who may be open to an adult adoption.
3. Devise mechanisms to educate the public, YIC, FYIC, prospective adoptive parents, and social workers on the adult adoptions process

- Develop a youth-oriented “How To” pamphlet on the adult adoption process and provide to young people aging out of care;
- Update MCFD’s website to include specific information on adult adoptions;
- Include information in foster parent training sessions and discuss the option with youth leaving care; and
- Educate other service providers who are working with the youth and young adult population.

4. Support FYIC in their search and attainment of permanency after leaving care

- Implement youth transition workers who can support FYIC in their search for permanency and connection, including an adult adoption;
- Ensure that social workers and service providers involved with young adults are knowledgeable on the adult adoption process; and
- Cover all associated costs of adult adoptions for FYIC – promote this information.

5. Amend Section 44 2(a) of the Adoption Act to remove the existing residency clause

It is evident that the residency clause should be repealed. This recommendation is informed by a number of considerations:

Pros:

- Removes a barrier to legal permanency for eligible BC citizens;
- Provides a more inclusive understanding of how families are formed;
- Allows for existing familial relationships to be legally recognized;
- Good public policy move for MCFD, as it increases permanency options for FYIC;
- Risk of abuse is limited and can be mitigated through judicial oversight; and
- Relatively few people will pursue an adult adoption, even if it is more accessible.

Cons:

- Potential for adult adoptions to be pursued for ulterior purposes, such as inheritance motivations;
- Possible increases in resources for administering adult adoptions to FYIC.

Given the challenges that BC has experienced with the residency requirement, the benefits of repealing s. 44 2(a) outweigh any possible drawbacks. Such an amendment would be a good public policy move, as it
is would allow eligible BC citizens to pursue an adult adoption and have their families legally recognized. Amending the residency clause would be especially positive for FYIC, as it creates another opportunity for legal and relational permanency to be achieved after leaving care. This amendment would be timely, given the increased attention that is being paid to the needs of FYIC. Finally, the concern that adult adoptions may be used for ulterior purposes can be addressed by having strong judicial oversight by the courts.

BC could also consider the legislative language of other Canadian jurisdictions, including Manitoba, New Brunswick, and Quebec. For example, the *Civil Code of Quebec* (1994) states:

545. *No person of full age may be adopted except by the persons who stood in loco parentis towards him when he was a minor.*

*The court, however, may dispense with this requirement in the interest of the person to be adopted.*

This approach ensures that a parent/child-like relationship is demonstrated by the applicants, while also allowing a judge to consider the context of each individual case. Such language does not preclude people in the way that BC’s current legislation does, and allows the courts to exercise discretion. If BC decides to maintain the current language of s. 44 2(a), then an addition like Quebec has implemented is recommended.
Section Nine – Strengths and Limitations of Research

Limitations of Research

There are inevitable limitations to all research, and it is critical to highlight areas of growth and further inquiry. One of the major challenges for this project is the distinct lack of research, discussion, and information on adult adoptions generally. While there has been some exploration into issues like inheritance rights, almost no analysis has been completed on the potential for adult adoptions to be a permanency tool for FYIC. Those working in the areas of adoption policy across Canada noted that while adult adoption is permitted in their jurisdiction, it is not something that is readily used or dealt with as is at an arm’s length from child welfare agencies. As such, those that may have the most information on adult adoption legislation and processes stated that they had limited understanding of the practice.

Another limitation of this research is the small sample size. Although many of the same ideas and themes are apparent across each of the distinct participant groups, it is difficult to generalize the findings beyond the scope of this report. While an invitation to participate was sent to all child welfare jurisdictions in Canada, not all jurisdictions responded. These key informant interviews helped to explain details about the legislation, and provided information on how adult adoptions are approached in a particular jurisdiction. The richness of the data and the recommendations may have been further strengthened if the researcher had interviewed more people in other jurisdictions. These same points are true regarding the other participant groups.

There are also other key stakeholders whose insight and perspectives would be invaluable to this research, including family lawyers who are facilitating adult adoption applications. As family lawyers have the hands-on experience of working with clients wanting an adult adoption, they may have other viewpoints on the residency clause than has been presented here. It would also be insightful to speak with those working in adoptions policy in Quebec, as it is recommended that BC consider Quebec’s approach to adult adoptions if a legislative amendment is pursued.

The lack of research and analysis on adult adoptions and Aboriginal communities may be another limitation. Given that up to 60 percent of children in care in the province are Aboriginal, understanding the perspectives and considerations of Aboriginal communities on adult adoption is important. In recent years, MCFD has made a significant effort to improve relationships with Aboriginal families and communities by incorporating cultural considerations into child welfare and permanency practices. Such cultural considerations may be less important in the context of adult adoptions as the process only requires two consenting adults. However, participants in this research study highlighted that there are unique considerations for Aboriginal FYIC, and by extension, Aboriginal communities. Consultation with
Aboriginal stakeholders may be necessary to ensure that legislation, practice, and policy align with the needs of Aboriginal youth and young adults in the province.

**Strengths and Limitations of Qualitative Research**

One of the greatest strengths of qualitative research is the ability to explore phenomena from the unique perspectives of research participants. Such inquiry provides individual context and a personal, human connection to the topic. Qualitative research is also highly descriptive, and is concerned with how participants make meaning of the world around them. This flexible approach also provides space for research to unfold in a fluid manner (Choy, 2014; Creswell, 1998). The interviews in this particular project were semi-structured in nature, where the researcher posed a number of open-ended questions. Participants were encouraged to explore the questions in any way they wanted, and to discuss anything they felt was relevant even if not directly related to the question.

There are also a number of challenges or limitations to qualitative research. Given that the data is so context-specific to the individual participant and study, it is difficult to generalize findings. With this in mind, the findings of this research should not be extrapolated outside the bounds of this particular project: research on adult adoptions in other jurisdictions may result in different considerations or conclusions. As the researcher is quite engaged in the research process, there are also concerns that the researcher’s own values and biases will influence the data. However, such influences can be mitigated or addressed through the researcher being critically-reflective and actively trying to reduce their personal influence on the process. Finally, qualitative research is time and energy-intensive, which can result in lengthy research timelines (Choy, 2014; Yauch & Steudel, 2003).

**Situating Myself and Researcher Bias**

Researcher bias is an inevitable aspect of the research process, and should be examined and discussed. Throughout all facets of research - from the questions explored to the analysis of the data - the values and interests of the researcher are present. While some believe this to be an inherent flaw of qualitative inquiry that should be mitigated at all costs, I know that who I am and the values I hold are interwoven throughout my work. By recognizing this, I am constantly assessing and reflecting on my potential influence and bias, which I believe strengthens the overall integrity of the research process.

As someone who has worked with marginalized youth and young adults, many of whom are in foster care, my belief in youth permanency played a critical role in my interest to research adult adoptions. One of the primary values that I hold is that youth and young adults should play a central role in making decisions about their own lives. Adult adoptions is an excellent reflection of how this can be manifested,
as it is two adults choosing to make an open, public, and legal commitment to being a family. My approach to this research is also influenced by my personal experiences with adoption: One of my sisters spent time in foster care and was adopted through MCFD into my family 8 years ago.

While my passion for youth permanency is one of the strengths I bring to this research, I have also been acutely aware of letting participant’s perspectives and opinions drive the research. The conclusions and recommendations offered in this report come from the insider knowledge and experiences of research participants, as well as analysis of adult adoption policy and legislation across a variety of jurisdictions.

**Dispute Resolution**

The connection between dispute resolution and adult adoptions may not seem straightforward. However, it is my belief that reducing barriers in people’s lives and improving policy and practice is inherently a dispute prevention technique. From a social policy standpoint, increasing the ability for everyone – particularly FYIC – to be a part of a loving family inevitably benefits all of society. Research shows that those who are connected to a long-term caregiver or community are less likely to struggle with homelessness, mental health issues, or be incarcerated amongst other social barriers. Thus, it is in the public interest to reduce barriers to permanency and connection, as this may inevitably lead to less reliance on state-sponsored social services. By facilitating more opportunities for FYIC, it allows for some of the most marginalized young people to participate and positively contribute to our communities. I believe that all possible steps should be taken to provide young adults with every ability to live healthy and fulfilling lives. To me, this proactive and collaborative approach is at the heart of dispute resolution.
Section Ten - Conclusion

The objective of this research was to examine BC’s adult adoption legislation, with a specific focus on the s. 44 2(a) residency requirement and the potential barriers this residency requirement is generating. The other aim of this research was to explore the potential of adult adoptions as a permanency option for FYIC. Through a literature review, cross jurisdictional scan of adult adoption legislation and policy, and key-informant interviews with three stakeholder groups, the research project identified how BC can improve practice in this area. This research project also highlighted that BC is in a unique position to provide leadership regarding the use of adult adoption to support FYIC in their ongoing search for permanency. Overall, research participants believe that adult adoptions should become a greater part of child welfare practice, and that all efforts should be made to facilitate permanency options for FYIC. The ideas and concerns raised by research participants, and findings from the cross jurisdictional scan and literature review informed the five recommendations presented in Section Eight of this report. As such, this report concludes that there is great potential for MCFD to improve the legislation, policy, and practice of adult adoptions, and that adult adoptions can provide various benefits to FYIC in the province.
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[http://www2.gov.bc.ca/gov/search?id=2E4C7D6BCAA4470AAAD2DCADF662E6A0&tab=1&q=%22adult+adoption%22](http://www2.gov.bc.ca/gov/search?id=2E4C7D6BCAA4470AAAD2DCADF662E6A0&tab=1&q=%22adult+adoption%22)


Appendix One: Search Strategy for Literature Review and Cross Jurisdictional Scan

A number of electronic databases and websites were searched for pertinent literature. When the initial literature search yielded few results, the professional help of a librarian from the University of Victoria was sought. The librarian also found that there were few results for adult adoptions.

The electronic databases and websites searched include:

- UVic Summon
- Academic Search Complete
- Humanities Index
- JSTOR
- Lexis Nexis Academic
- CanLii
- WestLaw
- Google Scholar
- Social Sciences Index
- Child Welfare League of Canada
- Child Welfare Information Gateway
- Casey Family Foundation
- Preventative Justice in Europe (PREJUS)

List of searches for adult adoptions:

- "adult adoption"
- "adoption of adults"
- Adopt* ("young adults" OR "young-adults") AND ("government care" OR "foster care")
- ("adult adoption" OR "adoption of adults" OR "adopt* adults") AND ("government care" OR "foster care")
- "adults adopting adults"
- "adoption of adults" AND "foster care"
The child welfare/adoption websites and legislation of the following jurisdictions was also examined:

- Canadian Provinces and Territories
- Australian Provinces and States
- New Zealand
- South Africa
- United Kingdom
- Select USA Jurisdictions

As has been discussed, there were few results found specific to adult adoptions. The scant literature on adult adoptions was presented in the first half of the literature review. Many more results were yielded for searches on youth permanency, social supports for youth in care, and the barriers that former youth in care face. While this literature review did not do a deep exploration into all research pertaining to former youth in care, it did provide a high-level analysis as it relates to adult adoptions.
Appendix Two: Recruitment Poster for FYIC Participants

What are your thoughts on adoption as an adult?

Who? You! You must be age 19+ and have been in the continuing custody of MCFD when you aged out of care.

What? An opportunity to be interviewed for a research project exploring the topic of adult adoptions (age 19+)

Why? To have your voice heard and share your unique perspective on adoption after the age of 19

When & Where? At a time most convenient for you! In person or by phone if in Victoria, and by phone if you live somewhere else.

All participants will receive a $15 prepaid VISA card to thank you for your time!

CONTACT INFO

If you are interested in participating or want to find out more, please contact Tabitha at: tfoulkes@uvic.ca or text/call 250-661-6588

*To protect your privacy & security, interested participants should not post any info on the social media page.

powered by Piktochart
Appendix Three: Recruitment Letter to MCFD Employees

RECRUITMENT LETTER

Are you passionate about supporting young adults who have aged out of foster care?

What are your thoughts on adult adoptions as a way of increasing permanent connections for former youth in care?

You are invited to participate in a research project exploring the topic of adult adoptions (any adoptions that occur after the age of majority) as a way of increasing legal permanency for former youth in care (permanent wards at the time of aging out of care). As a professional working in the area of adoptions and child welfare, I am interested in hearing from you about adult adoption practices in your jurisdiction.

Who: You – someone who has been working in the areas of adoption, permanency, or child welfare who has an understanding of adult adoption practices in your jurisdiction.

What: A 30-60 min interview to discuss adult adoption legislation and practices, with a particular focus on former permanent wards.

When: At a time convenient for you!

Where: Over the telephone, or in person if in Victoria BC
**Why:** The purpose of this research project is to understand the practices of various jurisdictions regarding adult adoptions, and to explore the potential benefits and drawbacks of current adult adoption legislation.

**Privacy and Security**

This research is being undertaken as part of the Master of Arts in Dispute Resolution Final Project (MADR 598) requirements at the University of Victoria.

While the BC Ministry of Children and Family Development (MCFD) is the client for this research study, MCFD will not be aware of who chooses to participate in this research study and will not have access to the raw data. Choosing to participate or declining to participate will not have any impact on your employment.

**Consent**

Your participation in this research study is completely voluntary. Before agreeing to participate, you will be asked to review and sign the Research Information and Consent Form (A), which outlines how your information will be gathered, protected, and used for the purposes of this research study. Additionally, the form discusses what happens if you decide to withdraw your participation from the research study.

**Contacts for the Project**

If you are interested in participating or want to find out more, please contact the primary researcher, Tabitha Foulkes, at tfoulkes@uvic.ca or by phone at 250-661-6588

In addition, if you have any concerns about your rights as a research subject, you may contact the Office of Human Research Ethics, University of Victoria, PO Box 1700 STN CSC, Victoria, BC, V8W 2Y2 or contact the Human Research Ethics Assistant at (250) 472-4545 or email ethics@uvic.ca.
## Appendix Four: Key-Informant Interview Questions

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<tr>
<th>Stakeholder Group One: Former Youth in Care in BC</th>
<th>Questions</th>
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<td>What is your current age?</td>
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<td>Approximately how many years did you spend in care?</td>
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<td>Have you or would you ever consider being adopted as an adult? Why or why not?</td>
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<td>What possible benefits do you see to making adult adoptions more accessible – especially for FYIC? IE. Amending s. 44 (2) (a)</td>
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<td>What possible drawbacks or challenges do you see with adult adoptions?</td>
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<td>What recommendations or considerations do you have for MCFD regarding adult adoption?</td>
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<td>Anything else you would like to share?</td>
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<th>Stakeholder Group Two: MCFD Employees</th>
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<td>What is your job/position?</td>
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<td>What is your current understanding of adult adoptions in BC?</td>
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<td>What is your experience working with adult adoption legislation?</td>
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<td>What possible benefits do you see to making adult adoptions more accessible – especially for FYIC?</td>
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<td>What possible drawbacks or challenges do you see with adult adoptions?</td>
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<td>What considerations should MCFD be aware of if considering amending 2. 44 (2) (a) of the Adoption Act?</td>
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<td>Anything else you would like to add or share?</td>
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<td>Stakeholder Group Three: Canadian Cross-jurisdictional Participants</td>
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<td>What is your job/position?</td>
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<td>What is the current adult adoptions legislation and policies in your jurisdiction?</td>
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<td>Have there been any amendments to your adult adoption legislation? If so, what are they and why?</td>
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<td>Do you know of challenges with your adult adoption legislation? If so, what types of challenges?</td>
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<td>Do you know of benefits to your adult adoption legislation? If so, what benefits?</td>
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<td>Has, or is, your jurisdiction exploring adult adoptions as an avenue for permanency for FYIC?</td>
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<td>What are your thoughts on provinces (BC) amending their adult adoption legislation to allow for FYIC to be adopted by an adult that they did not reside with or be cared for while a minor?</td>
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<td>What possible challenges or issues do you see with provinces amending adult adoption legislation in such a way?</td>
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<td>Anything else you would like to add or share?</td>
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