

ADOPTION AND FOSTERING OF CHILDREN RESIDING IN QUEBEC

A GUIDE FOR LESBIAN, GAY, BISEXUAL
AND TRANS (LGBT+) FUTURE PARENTS

2020
EDITION



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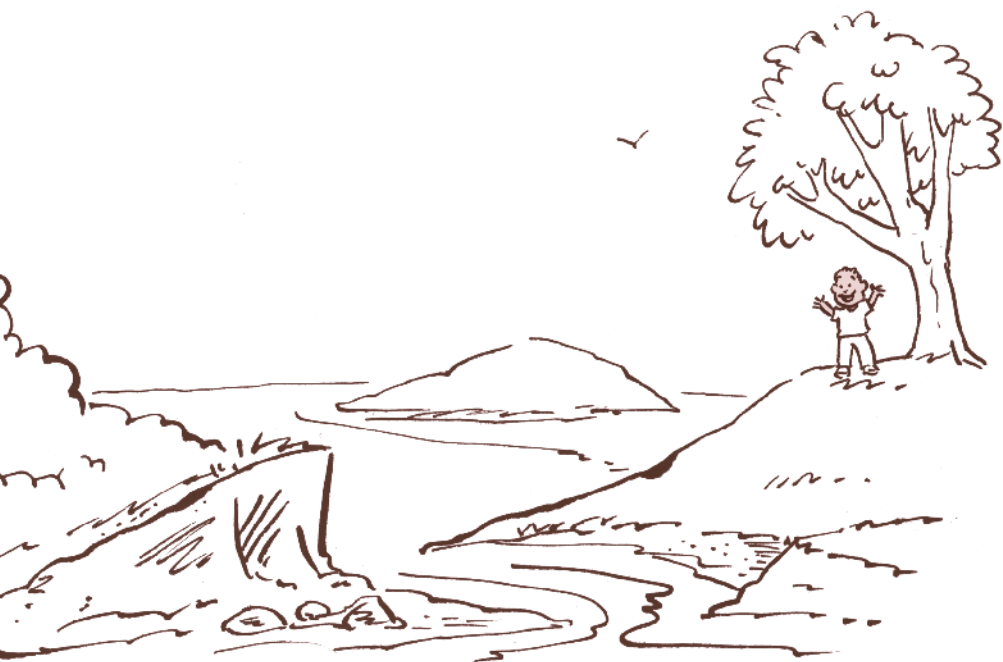
A GUIDE FOR LESBIAN, GAY, BISEXUAL
AND TRANS (LGBT+) FUTURE PARENTS



Coalition des
Familles LGBT+
LGBT+ Family Coalition

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PREAMBLE

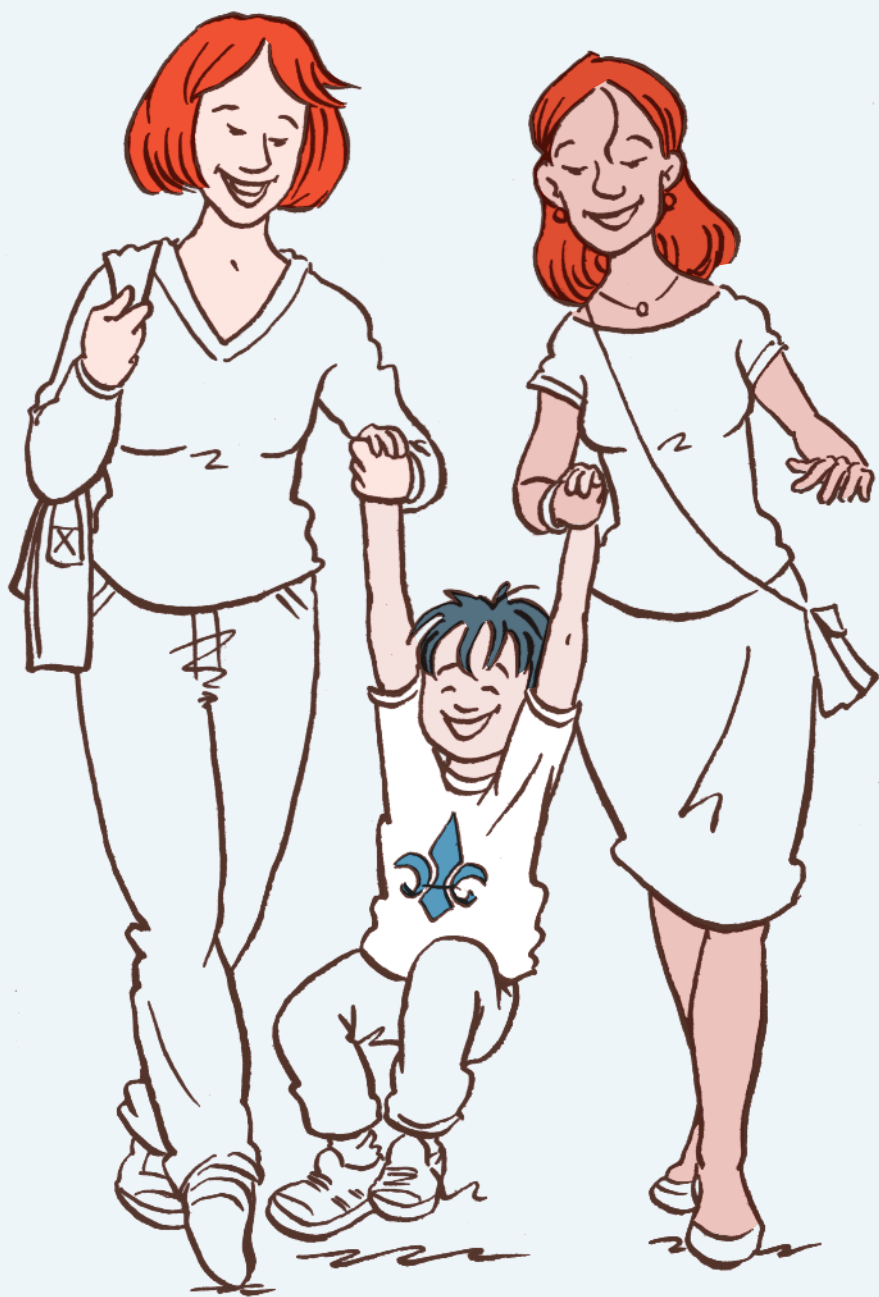
This guide was written for LGBT+ future adoptive and foster parents with a view to answering some of their questions and concerns. We hope that it will also be useful for social workers working with LGBT+ individuals hoping to adopt—those who are already knocking on the door of youth protection agencies in Quebec and those who will be doing so, more and more often, in the future.

In preparing this guide we met with many workers in the social services, as well as with adoptive and foster parents from the LGBT+ community.

The guide is dedicated to the thousands of children waiting for a 'forever family' and to the LGBT+ future parents ready to open their homes to them. It also recognizes the enduring commitment of social workers. Finally, the guide is dedicated to the pioneers—the first LGBT+ individuals to enter the youth protection agencies of Quebec and proudly show them what they had to offer.

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ADOPTING A CHILD RESIDING IN QUEBEC

When people think of adoption they most often think of the adoption of children from foreign countries. In fact international adoption is the form of adoption most frequently seen in Quebec. It is estimated that 70-80% of adopted children in Quebec are from outside of Canada. However, most countries outside of Canada and the United States do not accept LGBT+ candidates.

For this reason, the International Adoption Secretariat (IAS), the agency with which one must deal to adopt a child from outside Quebec, cannot accept LGBT+ individuals as future adoptive parents. To adopt from other countries is sometimes possible as a “single, non-trans heterosexual” person but this is not an option for a gay or lesbian couple, a bisexual

person in a same-sex relationship, or an openly transsexual person.

In Canada, LGBT+ individuals have access to marriage, couple rights, pensions, joint income tax returns, dual ownership on properties, and an increasingly “out” way of life. This can now include adopting a child living in Quebec.



INTRODUCTION AND HISTORICAL OVERVIEW

The fostering and adoption of Quebec-born children fall under the jurisdiction of Quebec's youth protection agencies (youth centres). The centres assess potential foster or adoptive parents. There are 17 administrative regions of Quebec and each region has its own youth centre and appoints its own Director of Youth Protection/Directeur de la protection de la jeunesse (DYP/ DPJ). Because of its two-language nature, Montreal has two youth centres. The youth centre that serves the English sector in Montreal is called Batshaw Youth and Family Centres and for the French sector it is called le Centre jeunesse de Montréal—Institut universitaire (CJM-IU).

The youth centres fall under the jurisdiction of the Ministry of Health and Social Services. Although all youth centres must conform to the Civil Code of Quebec, the Youth Protection Act, as well as Quebec's Charter of Human Rights and Freedoms, there can be variations from one

to another in the way services are provided.

Historically, from the time that homosexuality was decriminalised in Canada, it has always been possible, at least in theory, for LGBT+ individuals to adopt or foster children living in Quebec.

HISTORICALLY, FROM THE TIME THAT HOMOSEXUALITY WAS DECRIMINALISED IN CANADA, IT HAS ALWAYS BEEN POSSIBLE, AT LEAST IN THEORY, FOR LGBT+ INDIVIDUALS TO ADOPT OR FOSTER CHILDREN LIVING IN QUEBEC. BECAUSE OF SOCIAL PREJUDICE, HOMOPHOBIA, LESBOPHOBIA, BIPHOBIA AND TRANSPHOBIA, HOWEVER, IT IS ONLY RECENTLY THAT LGBT+ INDIVIDUALS HAVE BEGUN TO SERIOUSLY CONSIDER THIS AS A POSSIBLE WAY TO START THEIR FAMILIES.

In 1977 Quebec's Charter of Rights and Freedoms was amended to include, in article 10, the right to equality and non-discrimination on the basis of sexual orientation. In 1998, Quebec's Human Rights Tribunal concluded that gender, as a criteria for non-discrimination, must also include the gender identity of trans people. Because of social prejudice, homophobia, lesbophobia, biphobia and transphobia, however, it is only recently that LGBT+ individuals have begun to seriously consider this as a possible way to start their families.

In the early 1990s Batshaw Youth and Family Centres began to consider their first openly gay, lesbian and bisexual applicants. A small but growing number of children began to be placed in homes with gay, lesbian or bisexual parents.

In 2002 when the Quebec government was in the process of considering the reform of the Civil Code to eliminate discrimination against same-gender couples, the Association des centres jeunesse du Québec (ACJQ) submitted a brief to the National Assembly to encourage the passage of a law that would give

couple and parental rights and responsibilities to gays and lesbians. The ACJQ brief stated the following:

According same-sex couples the same rights, privileges and obligations as heterosexual married couples is fundamentally choosing to be just toward all citizens, without discrimination. Given that it is possible for a homosexual person to adopt a child on an individual basis, wouldn't refusing this possibility to a same-sex couple deny the child, insofar as he/she is adopted by only one of the partners, the benefit—emotional, social, economical, etc.—related to the other adult sharing his/her life and that of the other parent? Wouldn't this unnecessarily complicate the daily exercise of parental authority? Wouldn't it make the child's future more fragile in the case of accident or death of the sole adoptive parent?

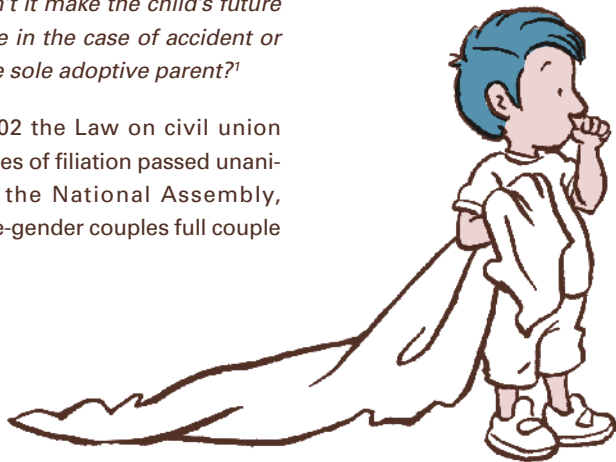
In June 2002 the Law on civil union and new rules of filiation passed unanimously in the National Assembly, giving same-gender couples full couple

and parental rights. In the community more and more same-gender Quebec couples began considering the possibility of conjointly adopting children living in Quebec.

- 1 Brief submitted to the Commission of Institutions, "L'union civile: Une bonne idée à compléter." Association des centres jeunesse du Québec, January 2002.

Texte officiel :

Choisir de donner les mêmes droits, privilèges et obligations aux couples de même sexe qu'à ceux unis par le mariage, c'est fondamentalement vouloir être juste pour tous les citoyens, sans discrimination. Or, comme il est possible pour une personne homosexuelle d'adopter un enfant individuellement, refuser d'accorder cette possibilité à un couple de même sexe, ne revient-il pas à priver l'enfant adopté par un seul partenaire de l'union civile de la possibilité de bénéficier des ressources de toutes natures (affectives, sociales, économiques, etc.) de l'autre personne adulte qui partage la vie de son parent, et la sienne ? N'est-ce pas compliquer inutilement l'exercice quotidien de l'autorité parentale ? N'est-ce pas fragiliser l'avenir de l'enfant en cas d'accident et de mortalité de son seul parent adoptif ?



We knew we wanted to have a child, but international adoption was becoming more and more difficult. We'd heard that the youth centres were opening up for gays and lesbians, and that the legislation had changed.

Ian and Noah – fathers in the process of adopting a two-year-old boy through the Mixed Bank.

DEFINITIONS AND CLARIFICATIONS

FOSTER FAMILY -----

Youth centres recruit foster families in all regions of Quebec to care for children who have been removed from their biological families. The length of this type of placement varies from an overnight stay to long-term placement in foster care until the child becomes an adult. Foster parents have no legal parental authority over the child but have agreed to care for the child's needs, as would a parent, while he/she is in their care. Depending on the case, it is either the biological parents or the DYP who has the authority to make decisions regarding the child's welfare. Foster-parents are eligible

for daily subsidies to cover certain expenses related to the care of children who are placed in their homes. The large majority of foster parents do not intend to adopt. Often they already have their own biological children and do not want a larger family. From the outset they are evaluated as foster not adoptive parents. Sometimes however a foster family decides that they would like to adopt the child whom they have in their care if the child becomes eligible for adoption. To do so they must be re-evaluated through the adoption program. A number of children are adopted each year in this way.



EMERGENCY/SHORT-TERM FOSTER FAMILY -----

Following an assessment of a report to the DYP, if a child's safety is at stake, they may be temporarily placed outside of their natural milieu. If the child cannot be entrusted to family or

friends, then placement in an emergency/short-term foster family is likely. These foster homes rarely consider long-term placement or adoption. This type of family is in high demand.

RESPIRE CARE -----

This is a family that takes care of a child on an intermittent basis (for example every second weekend) and where the child's biological family or foster family continues to have

primary care of the child. The goal is to "give a break" to the child's parents or full-time foster parents, to help these families remain intact.



MIXED BANK FOSTER FAMILIES -----

In 1988, the youth centres created the Mixed Bank, having realized that many children could have benefited from adoption but were instead placed in foster families who didn't plan to adopt them, thus denying them the security and stability of a permanent home. In order to be adopted, these children had to be moved from the foster family to a potential adoptive home. The move from foster home to adoptive home was difficult for children who had formed bonds with their foster parents, and some kids were never adopted because severing them from their foster parents would have had too huge a negative effect. At the same time many Québécois were waiting to adopt children.

The goal of the Mixed Bank was therefore to find stable homes for children with a family willing to initially foster a child until he/she was judged admissible for adoption and thereby

avoid shunting the child from one home to another.

Children that are placed into the Mixed Bank are not legally admissible for adoption at the time of placement. In the majority of these placements however, the parents do not resume care of the child and the child eventually becomes either eligible for adoption or is placed with the foster family until the age of majority. Some of the children in long-term placements will eventually become adoptable as the situation evolves over time.

The prospective parents who enter the Mixed Bank want to start or add to their family rather than enter into a short-term commitment, even though they are informed from the outset of the delays associated with the adoption and the possibility that the child may not be judged admissible for adoption. Because of this they must be evaluated as both foster and adoptive parents.

THE GOAL OF THE MIXED BANK WAS THEREFORE TO FIND STABLE HOMES FOR CHILDREN WITH A FAMILY WILLING TO INITIALLY FOSTER A CHILD UNTIL HE/SHE WAS JUDGED ADMISSIBLE FOR ADOPTION OR LONG-TERM PLACEMENT AND THEREBY AVOID SHUNTING THE CHILD FROM ONE HOME TO ANOTHER.

LOCAL ADOPTION -----

This is the type of adoption that is described in this guide. Other terms used for it are: "domestic adoption," "internal adoption" and "the adoption of children residing in Quebec."

SIMPLE OR REGULAR ADOPTION -----

This is essentially the local adoption, mostly if not always, of a newborn whose parents have given their consent to adoption. The waiting list for this kind of adoption in Quebec is currently 10-12 years. Unfortunately, in the majority of youth protection agencies, applicants cannot put their names on the simple adoption waiting list and on the mixed-bank list at the same time. A choice must be made between the two. The Centre jeunesse de Montréal is the only exception to this rule.

ADOPTION BY SPECIAL CONSENT -----

This is an adoption where the biological parent or parents give consent to their child being adopted by grandparents, great-grandparents, a child's brother or sister, or the child's uncle or aunt. Special consent is also the mechanism by which a spouse adopts his/her partner's child. This type of adoption is well known amongst gays and lesbians in families where a biological parent asks for his/her same-sex spouse to be legally recognized as the child's parent. This procedure is also known as stepparent adoption, second-parent adoption or co-parent adoption. The youth protection

agency rarely takes part in adoptions by special consent except when it has been previously involved in the situation or when the Court asks it to become part of the process in order to give its opinion on the matter.

It is no longer necessary in Quebec for lesbian parents to undergo this legal procedure when the biological child of one member of the couple is the result of a common parental project. The lesbian couple have simply to register their names on the child's birth certificate to become legally recognized as the child's parents.

OPEN ADOPTION -----

Open adoptions are not legally formalized in Quebec. The idea behind an open adoption is that even after an adoption is finalized, some kind of link is maintained with the biological parent(s) and/or the extended biological family. The rule is that adoptions are confidential. However, foster

care is not confidential unless specifically ordered by the court. In certain cases, while the child is in foster care, before the adoption process begins, names may be exchanged. Also, in some cases, informal agreements are made between the birth parents and the adoptive or foster parents so

that the bond between child and biological family can be maintained. The question of whether or not to modify

the law to allow open adoptions in Quebec is currently being studied by the ministry of Justice.

INTERNATIONAL ADOPTION -----

International adoption is not covered in this guide though there are similarities between local and international adoption in the way that prospective parents are evaluated. For those interested, there are a number of references on international adoption at the end of this document.

PARENTAL AUTHORITY -----

Parental authority normally refers to the rights and responsibilities of biological parents toward their child. Parental authority can sometimes be delegated to another person. If the courts are involved, a judge can authorize either the DYP or another person to exercise parental authority.

SURROGACY ADOPTION -----

At the time of writing of this document, in Quebec, contracts with surrogates have no legal validity and are considered null and void. Because of this, intended parents who have an agreement with a surrogate to carry “their” child have no legal recourse if the surrogate has a change of heart and decides to keep the child. Likewise, the surrogate cannot force the intended couple or person to care for the child.

When the child is born, the ‘accoucheur’ (the person who delivers the child) must draw up an ‘attestation of birth’ that indicates amongst other things the name of the person who gave birth. The surrogate must also sign the ‘declaration of birth’ that is

sent to the directeur de l’état civil. This declaration can also contain the name of one of the intended parents as long as that person signs the declaration.

After the birth, if the surrogate gives the child to the intended parent and renounces parental authority, the intended parent can then consent to a special adoption by their partner. The partner can then request a placement order with a view to adoption, which is the first of two steps towards adopting the child. The final adoption judgment establishes a new filiation. The surrogate will ‘disappear’ from the child’s birth certificate and the second parent’s name (if there is a second parent) will appear along with the first.

THE CHILDREN

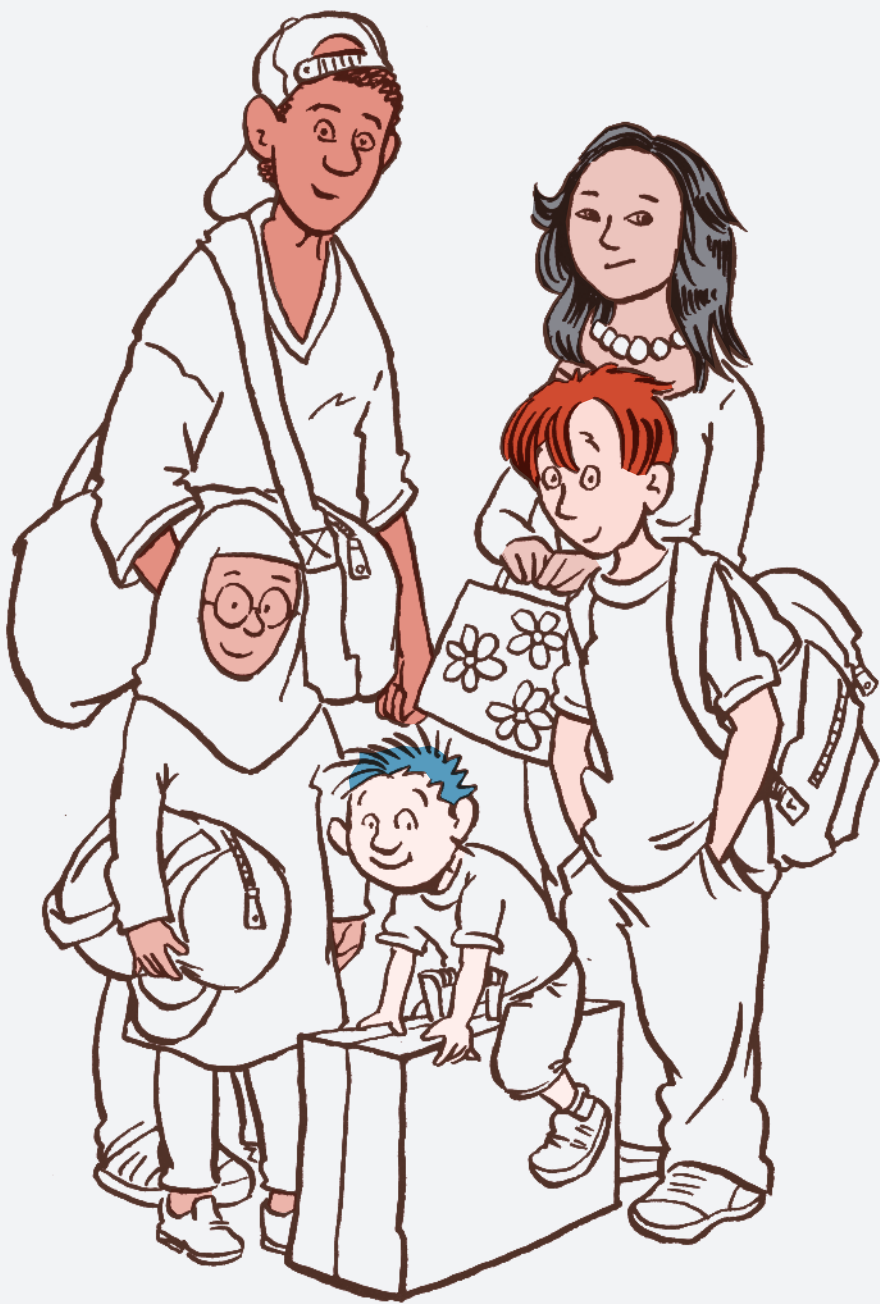
WHO ARE THEY?

Each year, a number of children are reported to the DYP. Either a neighbour, a medical staff person at the hospital where the child was born or received treatment, the police, a family member, a teacher, a friend, or the parents or child themselves will contact youth protection because the child's well being is at stake.

Most of these reports are linked to negligence. Often the parents are incapable of caring for children, for a short or an extended period of time, due to drug and/or alcohol addictions, psychiatric or emotional problems or intellectual deficiencies.

Some of the children have been physically or sexually abused. There are often cases of conjugal violence as well to which the children may have been witness. Some have been left alone

without adult care or neglected. In the case of newborns, the children may have been exposed to drugs in utero and may be born in a state of physiological withdrawal. There are children of all ages that come under the care of youth protection, from newborns to teenagers. They have generally lacked stability in their lives and have lived through at least one or more ruptures from their families of origin or from other substitute milieus.



IN QUEBEC, THE YOUTH CENTRE CASEWORKERS WILL KNOW ABOUT THE CHILD'S PAST HISTORY. PERTINENT INFORMATION IS PASSED ON TO THE MIXED BANK PARENTS.

Some of the children have relational difficulties or learning disabilities. Some of these impediments may be completely eliminated after a period of stability in their new homes. Others will persist for longer. When there is the possibility of a child coming into your home you are given the necessary information, if available, on the child's medical and psychological state.

It should be noted that this situation is not unique to children living in Quebec. Children born in Russia or China, for example, may have also lived through traumatic events. In Quebec, the youth centre caseworkers will know about the child's past history. Pertinent information is passed on to the Mixed Bank parents. In the case of international adoption, the child's past history is sometimes unknown.

About three-quarters of the children in the Mixed Bank are boys. At the CJM-IU roughly half of these children

When we got our son we wanted to be mentally prepared. We knew that there would be effects. Maybe the caseworkers weren't free to tell us everything but in our son's case we really had to dig to get our answers. We had to keep asking the questions.

Jeanne and Hélène – mothers of a two year-old girl (through pregnancy) and in the process of adopting a one-year-old boy through the Mixed Bank.

are less than a year old and 70-80% of them are under two years of age. At Batshaw, the majority of children in the Mixed Bank are five years of age and under (with 60% being in the zero to one-year range), but many older children who are adoptable cannot be placed in the Mixed Bank because there are currently no families available to adopt them. In both the Mixed Bank and the Foster Program there



are many children over two years old in need of stable long-term families but unfortunately for them most people ask for babies.

Many people have the idea that in adopting a newborn baby the chances are much higher that this child will do well, as they have been exposed to fewer traumas. Although in many cases this may be true, it is not always easy to determine the general health or developmental capacity of a newborn. Children who are two years old and older, despite having had different experiences, have been shown to be extremely

resilient. The standard research about attachment capacity occurring in the first year is slowly being replaced by new work that is beginning to show that strong bonds of attachment can develop even in older children who were neglected in the first years of their lives.

Adopting a baby, an older child or a child with special needs implies different challenges. If you are the kind of person who feels reticent about sleepless nights, diapers and bottles, then an older child may be a good choice for you. If you think that an older child is more likely to have more problems



As a single man I knew that I couldn't be with a child 24/7. I was looking more for a kid who was of school age, at least five years old. When Michael arrived he was nine, of course it was hard. He'd been through a lot. But I knew I could make a difference. My motivation was altruistic in the beginning – I'm an idealist. And yet when I look at the overall picture there's been tremendous growth. Michael goes to a regular kind of school now and he wants to go to school. He plays water polo, he takes the metro by himself, he's part of a youth group at church, he's got a fantastic sense of humour and he's got so many friends. He has slowly absorbed the idea that this is his home and he can stay here. Michael is really coming into his own. He knows the world!

Charles – biological father of two sons ages 21 and 19 and foster father to one son age 13 who is in his care until the child reaches the age of majority.

due to a difficult past, keep in mind that not all babies are perfect and that not all older children show the same after-effects. Children have different needs according to their age. It's up to the prospective adoptive parent to

make a choice and the responsibility of the caseworker to evaluate whether the candidate has the necessary parenting skills to meet the needs of a particular child, regardless of his or her age.

WHAT HAPPENS AFTER THE CHILD IS REMOVED FROM THE BIRTH FAMILY HOME?

Once the DYP has assessed the situation of a reported child, in certain circumstances the child may need to be removed from the family. The caseworker must collect as much information as possible on the child, the child's parents and the family situation. The youth centre's priority is to be able to return the child to their family of origin whenever this is feasible. If this is possible the youth centre will do everything it can to help the birth parent(s) turn their lives around to be able to provide adequate care for their child.

EMERGENCY FOSTER CARE

In the weeks following the child's removal from the home, while a plan for the child's care is being determined, that emergency foster care homes are greatly needed. If you are interested in becoming a foster family, there is a real need.

Caseworkers are assigned to the family and they must prepare an initial intervention plan for the parents. The plan takes into consideration the parents' physical and emotional state, the relationship with extended family and friends, the presence or not of other children, and the opinion of medical professionals and social workers involved.

In some cases it will be recommended that the child eventually go back to his/her biological parents. In other cases, if interventions do not lead to an improvement in the child's

situation and after having studied all possible angles, the social workers will determine that it is in the child's best interest to be placed in long-term care outside of their parents' home. They then elaborate a permanent plan for the child. Decisions are based on uniform clinical parameters that are used by the youth protection agencies throughout Quebec. The Director of Youth Protection proposes this project before a judge of the Court of Quebec, Youth Division. The judge may or may not approve the plan.

A child with little hope of returning to their biological family can be placed in the Mixed Bank or in a long-term foster family. Decisions as to a permanent plan may vary from one youth centre to the next. In certain youth centres older children are often placed in long-term foster care, whereas the younger ones are put in the Mixed Bank. In other youth centres any child requiring

A COMMITMENT TO FOSTER A CHILD CAN RANGE FROM ANYTHING FROM AGREEING TO OPEN ONE'S HOME FOR SHORT-TERM EMERGENCY PLACEMENTS OR RESPITE CARE (TO HELP PARENTS OUT EVERY NOW AND THEN, E.G. ONE WEEKEND A MONTH), RIGHT UP TO FOSTERING A CHILD OVER A LONG PERIOD OF TIME (EVEN TO THE AGE OF MAJORITY). **IN MONTREAL, FOR EXAMPLE, THERE IS AN URGENT NEED FOR FOSTER HOMES FOR CHILDREN AGES 0-5 NEEDING TRANSITORY CARE (E.G. SIX MONTHS TO A YEAR). THERE IS ALSO A GREAT NEED FOR LONG-TERM COMMITMENTS WITH OPENNESS TOWARD EVENTUAL ADOPTION SHOULD THE POSSIBILITY ARISE.**



long-term care is placed in the Mixed Bank if a family is available.

In clear cases of abandonment and/or neglect, or in the case of a newborn whose parents already have a history with the youth protection services, the child might immediately be placed in the Mixed Bank with a view toward adoption or placement until majority if a suitable home is available.

A commitment to foster a child can range from anything from agreeing to open one's home for short-term emergency placements or respite care (to help parents out every now and then, e.g. one weekend a month), right up to fostering a child over a long period of time (even to the age of majority). In Montreal, for example, there is an urgent need for foster homes for

children ages 0-5 needing transitory care (e.g. six months to a year). In other regions needs are greater for older children. There is also a great need for long-term commitments with openness toward eventual adoption should the possibility arise. Whatever the commitment, the foster parents do not normally have parental authority over this child. It is still either the birth parents or the youth protection agency itself that will maintain the right to make decisions with respect to the child, unless the judge rules otherwise.

If you commit to providing a home for a child in the Mixed Bank it means that there is a very strong chance that the child who is placed with you will eventually become eligible for adoption or placement until majority.

THE FUTURE PARENTS

WHO WANTS TO ADOPT OR FOSTER A CHILD AND WHY?

The reasons for wanting to adopt or foster are as numerous as the people who decide to do it. The following are the reasons of just a handful of people:

In the context of my work I encountered a number of situations where I met with kids whose parents, for one reason or another, couldn't take care of them, and they really needed good homes and people to care for them. This kind of sensitized me to the reality of the kinds of kids in the system. I was open to the idea of having more kids and knew that I could be a loving, stable, healthy and mature parent, who could provide consistent love. I knew I had more love in me to give.

Charles – biological father of two sons ages 21 and 19 and foster father to one son age 13 who is in his care until the child reaches the age of majority.



After our first pregnancy we didn't want to go through a second and yet we wanted a bigger family. We knew that to adopt internationally we would have to lie and after talking to a few other couples who had chosen to adopt Quebec-born children, we were willing to give it a try.

Jeanne and Hélène – mothers of a two year-old girl (through pregnancy) and in the process of adopting a one-year-old boy through the Mixed Bank.

We were looking to get pregnant through a fertility clinic and at the same time exploring the idea of adopting a child born in Quebec. Really we just wanted to start a family and to become parents. After we went to the first information session about the Mixed Bank we became very much interested.

Nadia and Annik – mothers in the process of adopting a two-year-old son through the Mixed Bank.



As gays and lesbians our families are made up of many people who have no biological connection at all. We do a lot of family building in our community and so it felt natural for us to foster. We could appreciate the fact that the kids we encountered were often from non-conventional families as well and so we felt that we could understand their differences a little better. We wanted to have contact with kids in our lives, though we weren't ready to do so full-time. Fostering was a way for us to test out our parenting. In the beginning it was like summer camp, eventually it became more like a regular family atmosphere.

Frieda and Simone – mothers to a two-year-old one son through pregnancy and respite care foster parents to four sisters aged 14, 11, 9 and 7.



THE MOST REWARDING PART OF IT ALL HAS BEEN THE INTIMACY AND THE LAUGHTER.

André and Roger – adoptive fathers of a three-year-old son and in the process of adopting a girl through the Mixed Bank.

OVERCOMING OBSTACLES

In adopting or fostering a child born in Quebec, and despite the excellent laws that underscore the parental rights and responsibilities of LGBT+ individuals, discrimination can still be present among certain caseworkers.

There is also the idea that children who are under youth protection are already coming from a traumatic situation and thus should not be subjected to the so-called “problem” of having two parents of the same-gender, parents who identify as bisexual, or parents who have transitioned.

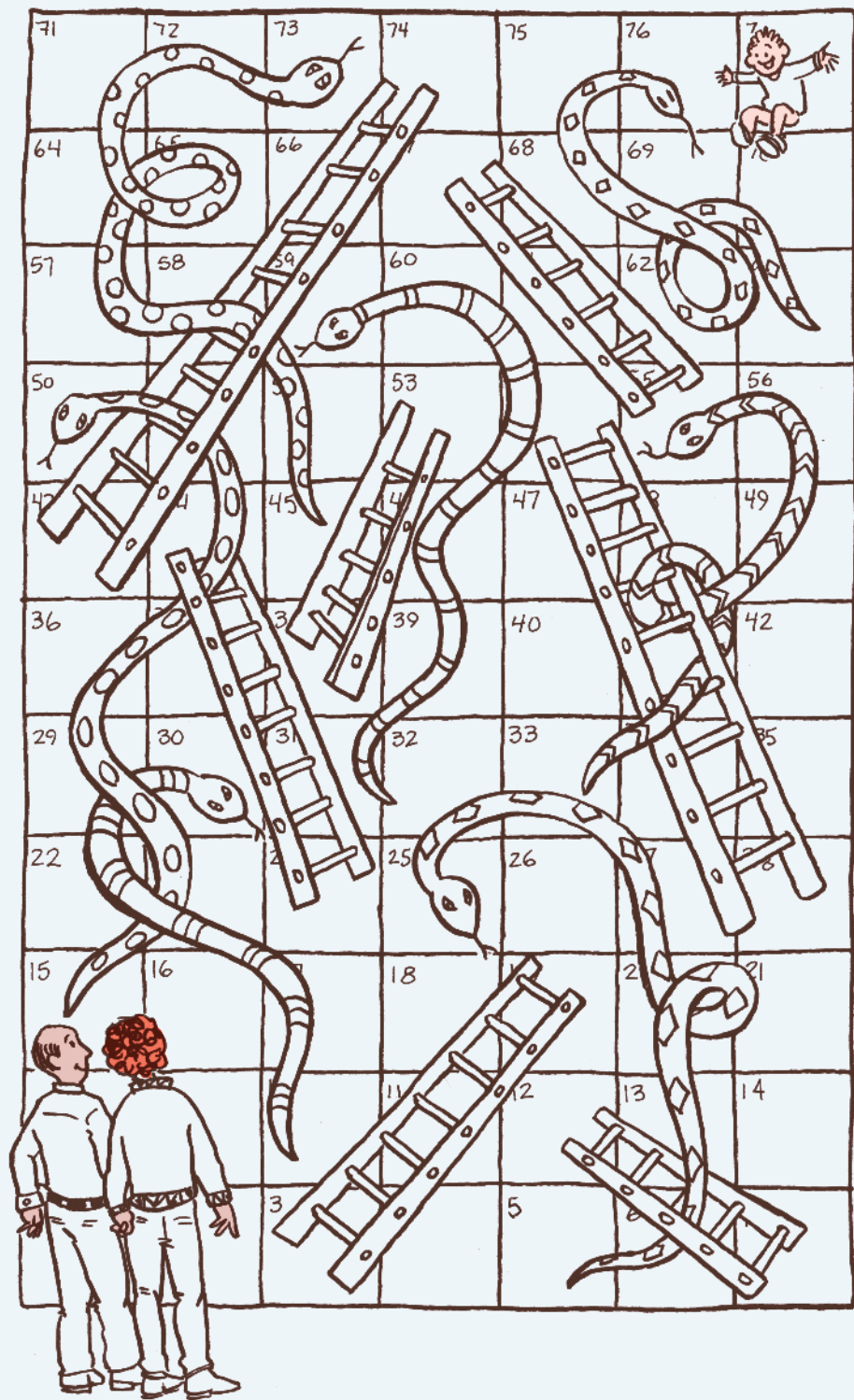
Nevertheless, an increasing number of professionals working in the social services are becoming aware of the large body of research, spanning more than 30 years, on the well being of the children of gays and lesbians², which shows that they fare just as well as those of heterosexual parents. Even psychoanalytic arguments that express the importance of having two opposite-gender parents are being positively reinterpreted in the light of same-gender parent families. There is also a growing body of research attesting to the parental capacity of trans people and the well-being of their children.³ However, often those trained as social workers

and psychologists in Quebec have not yet had access to the large body of research on same-sex families.

A growing number of social workers from many of the youth centres across Quebec have undergone a series of training sessions called “Regards sur les familles homoparentales” (A Look at Homoparental Families) and “Pour une nouvelle vision de l’homosexualité” (For a new vision of homosexuality). These sessions, funded by various provincial ministries and carried out, in part, by the LGBT+ Family Coalition, help people in the social services to overcome some of the misunderstandings around the capacity of LGBT+ people to parent, as well as shed light on the numerous studies on children of LGBT+ parents. As the research regarding families with trans parents evolves, an increasing number of social workers will become aware of the parental capacity of trans individuals.

2 For a good review and meta-analysis of the research see the American Academy of Paediatrician's “Technical Report: Co-parent or Second-Parent Adoption by Same-Sex Parents” at www.aap.org or “Trois générations de recherches empiriques sur les mères lesbiennes, les pères gais et leurs enfants,” (Julien, 2003) in P.C. Lafond and B. Lefebvre (Eds.) *L'union civile: Nouveaux modèles de conjugalité et de parentalité au 21^{ème} siècle* (pp. 359-384. Cowansville: Les Éditions Yvon Blais.

3 White, T., Ettner, R. *Adaptation and adjustment in children of transsexual parents*. Eur. Child Adolesc. Psychiatry, 2007, Jun, 16 (4): 215-221.



Many of the youth centres in Quebec have still not seen “out” LGBT+ individuals pass through their doors, but in an increasing number of regions applications are beginning to be made. You may be a pioneer in your area, the first to apply, but in doing so remember that the research, the Charter of Human Rights and Quebec’s Civil Code all support

your plan, and that other youth centres in Quebec have already seen numerous LGBT+ couples and individuals provide stable and secure homes that favour the development of a child.

Most of the social workers to whom we spoke told us that what was even more important to them than these training sessions were the success stories of children placed with gays and lesbians and seeing them develop in their new home.

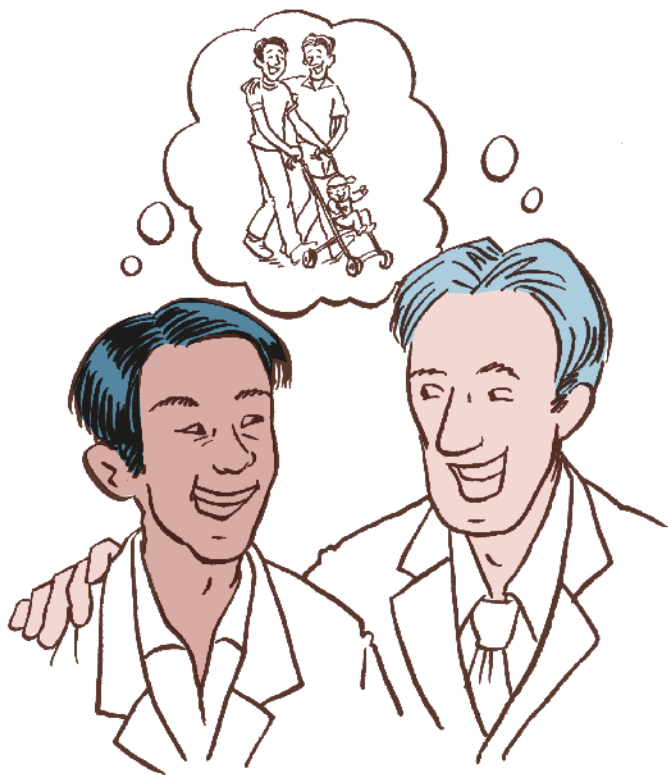
You may encounter resistance in your region, but please do not give up easily. Your tenaciousness, and

In the beginning when we first contacted the youth centre (Outaouais) in 2000 there was a hesitancy... it was obvious that our application really did throw them for a loop. They weren’t really sure what to do with us as two gay men, as we were the first gay couple to apply at our youth centre. So they stalled until their legal experts could put together a report. This was before the laws around parenting had passed in Quebec. But honestly we never really felt a negativity or homophobia from any of the social workers we encountered—at least not to our faces—it was more like the barriers were coming from the system itself. Since then there have been a number of gay and lesbian applicants.

Thomas and Marc – Adoptive fathers of two boys ages seven and nine through the Mixed Bank.

even-temper will prove your seriousness and capacity to solve problems to those assessing your request. If you do truly experience blatant homophobia or transphobia, please contact some of the LGBT+ family resources listed at the end of this pamphlet.

One of the strongest points made by both the Centre jeunesse de Montreal and Batshaw was that seeing gays and lesbians moving through the system and proving themselves as good people and good parents has been a major factor in changing their minds. It is this, more than anything else that has



I was almost expecting homophobia. I was waiting for that word or whatever, but then the person who I spoke to on the phone, in that first call, said to me 'Well we don't have much experience but we're very open to it.' They were honest, the cards were on the table and that put us at ease.

Ian and Noah – fathers in the process of adopting a two-year-old boy through the Mixed Bank.

Sometimes the questions they asked seemed impertinent. I think that had I been asked these questions at an earlier point in my life perhaps I would have been offended and wouldn't have continued. But I had enough distance and self-confidence to put up with some questions that may have been the result of a lack of knowledge about our community. Our worker was intelligent enough to learn from us and in the end I actually liked the experience.

Nadia and Annik – mothers in the process of adopting a two-year-old son through the Mixed Bank.

paved the way for others. An LGBT+ family success story is assimilated into the “culture” of the youth protection agency. Success stories are passed on from one worker to the other. The bottom line is that if you don’t try you won’t succeed. Some of you will find yourselves in a youth protection agency that has years of experience with the LGBT+ community. Others will be pioneers. It is the manner in which sometimes curious, sometimes ignorant questions are handled that will win the day in the long run.

GAYS AND LESBIANS IN THE MIXED BANK

AS OF 2013, 30 % OF THE ACTIVE DOSSIERS IN THE MIXED BANK PROGRAM OF THE CENTRE JEUNESSE DE MONTREAL WERE OF GAY AND LESBIAN CANDIDATES.

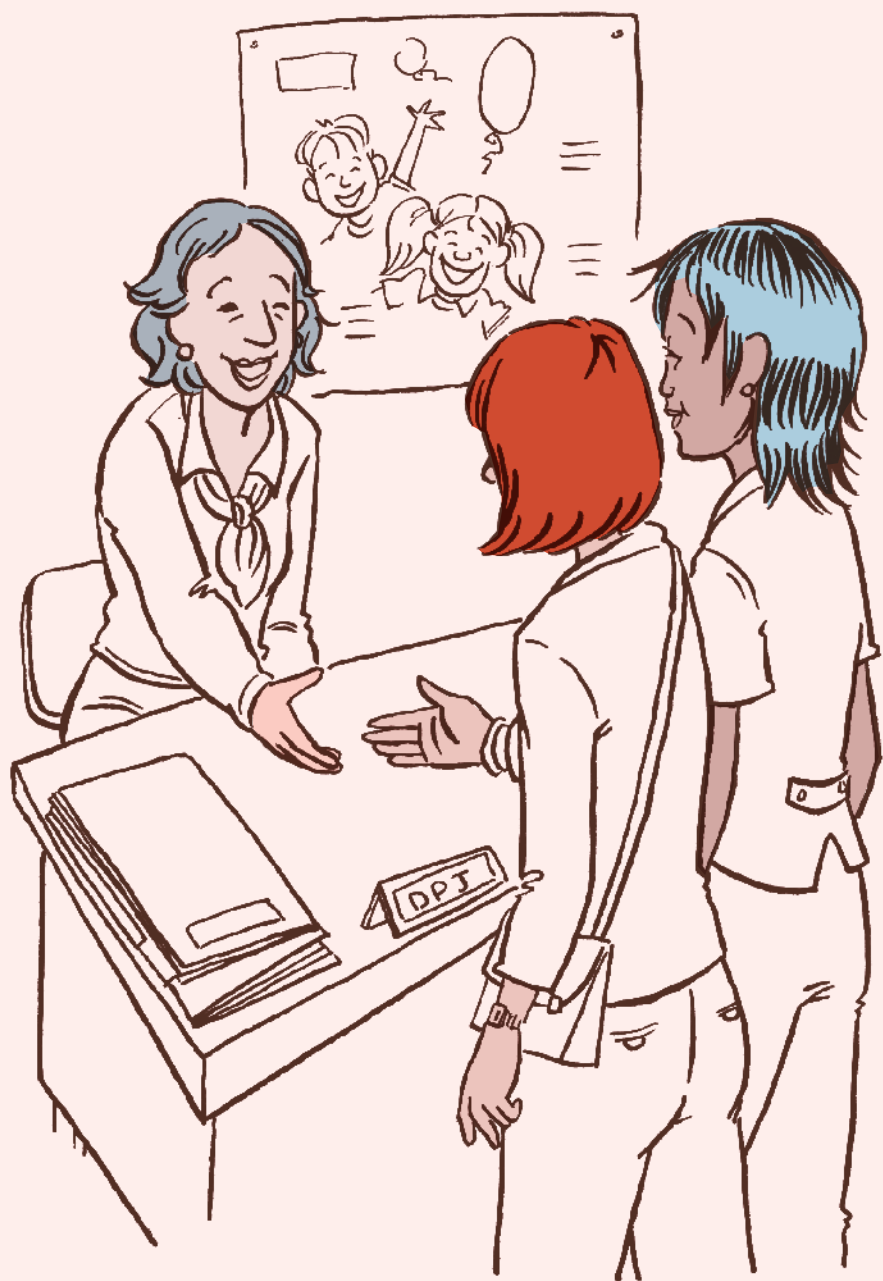
BISEXUAL AND TRANS APPLICANTS

There is nothing in Quebec’s Civil Code or Charter of Human Rights that would impede a bisexual or trans applicant from fostering or adopting a child. Because of the many myths surrounding bisexuality it was assumed a priori that bisexuality meant a life of promiscuity and therefore a milieu of instability for a child. Workers at the CJM-IU and Batshaw, however, told us that they are open to the idea and said that each case has to be evaluated on its own merits. As with gays and lesbians, bisexuals must also show that their sexual orientation will not interfere with their ability to parent and does not mean an instable environment for the child.

We encountered few trans people who had tested the system and the workers we spoke to had not either. Again in theory fostering and adoption by trans people should be possible but they will have to prove

themselves in order to open the doors for others. Any applicant whether lesbian, gay, bisexual, trans or heterosexual must show an above-average level of adaptation to life and society.

BECAUSE OF THE MANY MYTHS SURROUNDING BISEXUALITY IT WAS ASSUMED A PRIORI THAT BISEXUALITY MEANT A LIFE OF PROMISCUITY AND THEREFORE A MILIEU OF INSTABILITY FOR A CHILD. WORKERS AT THE CJM-IU AND BATSHAW, HOWEVER, TOLD US THAT THEY ARE OPEN TO THE IDEA AND SAID THAT EACH CASE HAS TO BE EVALUATED ON ITS OWN MERITS. AS WITH GAYS AND LESBIANS, BISEXUALS MUST ALSO SHOW THAT THEIR SEXUAL ORIENTATION WILL NOT INTERFERE WITH THEIR ABILITY TO PARENT AND DOES NOT MEAN AN INSTABLE ENVIRONMENT FOR THE CHILD.



STARTING THE PROCESS

If you are interested in either adoption, fostering or both your first step is to call the youth centre in your region (see contact information at the end of this document). The order of steps in the evaluation process may differ from one youth centre to another. Some centres offer candidates information sessions at the outset, while others ask them to first fill out a questionnaire and information sessions are given later. Others ask candidates to come for an initial interview before beginning the psycho-social evaluation. When you first call the youth centre, you can ask the representative to explain the exact procedure to you.

YOU MUST BE 25 YEARS AND OLDER AND HAVE CANADIAN CITIZENSHIP OR LANDED IMMIGRANT STATUS. YOU CAN BE SINGLE, MARRIED, IN A CIVIL UNION OR A COMMON LAW RELATIONSHIP.

FIRST CONTACT

It is important to be 'out' about your sexual orientation or gender identity from the outset. The response you receive may vary from one youth centre to the next. Even after the reform of the Civil Code in 2002, certain case-workers still had misgivings about gay and lesbian candidates; since then, with the help of training sessions and building on the positive experiences with gays and lesbians who have already approached the youth centres, there is more and more openness to our families. For example, all adoption candidates applying through the Centre jeunesse de Montréal must attend two information sessions during which they have the opportunity of speaking with a Mixed Bank parent; recently, a gay couple was invited to speak to the prospective parents about their experience.

If your youth centre asks you to come for an initial interview, the objective is to evaluate the psychological strength of the candidates and their aptitude to help a child live with his/her differences. Regardless of the outcome of this meeting, all candidates have the right to undergo the entire psychosocial evaluation with the youth centre.

To ensure that your application goes forward, it is essential to provide the youth centre with a complete request: the application form, a self-study questionnaire,

references, a medical examination, proof of employment, a statement of income, a proof of residence, and a consent form for a police check. You may also be asked to sign a consent form to have any previous assessments

At the information sessions they consistently present the worst-case scenarios to prepare you for the possibility that your 'dream' family may look very different from the actuality. After every meeting we felt so downtrodden. If you had some sort of idealized notion, at the end of the evening you came out deflated. However, after completing the orientation sessions we were more committed than ever to proceed with the process, risks and all. Although we had many obstacles to overcome with the adoption of our son in the end our 'dream' family still materialized. We couldn't be happier with the outcome.

André and Roger – adoptive fathers of a three-year-old son and in the process of adopting a girl through the Mixed Bank.



added to your dossier. Files are held for a number of years. If a file is closed the DYP can still ask for your consent to re-open it.

It is your responsibility to take charge of your dossier from the beginning and to make sure that it is properly put together. Files have been known to stagnate because one of the referees forgot to post their letter of reference. Contact the youth centre to verify the status of your application if you feel that the processing times seem longer than what you had been told.

You will receive a letter to inform you when your application is complete. At this early point you may be refused on a number of bases: a bad reference, a police problem, health or psychiatric issues. There are other areas that are more vague and will be situation dependant. If you have a history of depression or suicide attempts you may be asked to undergo extra psychological assessments in order to determine that these problems have been adequately resolved.

YOU MUST NOW WAIT FOR THE PSYCHOSOCIAL ASSESSMENT.

PSYCHOSOCIAL ASSESSMENT

(HOME STUDY)

For the Mixed Bank it may take anywhere between a few months to 1.5 years, or more, until you are called for an assessment (home study). Wait times can vary a lot depending on the criteria that you have submitted for the child in terms of age, race, gender, life history and the number of available children. For instance, newborn babies are in high demand and so your wait for an assessment may be longer if this is the only age you are willing to accept. Once again, you should call to make sure your application is advancing. The type of children that are available at any given time, as well as the workload of caseworkers in your youth centre can all have an effect on the processing time of your dossier.

For the assessment, the youth centre will try to match you with a social worker with the best possible knowledge/understanding about the LGBT+ community. At Batshaw the same is true for people from different cultural communities. A social worker assigned to a particular home study must have an adequate sensitivity regarding your ethnicity/religion/sexual orientation/gender identity, etc. If you feel this is not the case you may ask to be switched.

The duration of the assessment can vary depending on the needs of children in a given region; usually it takes between six and eight weeks. For international adoption, adoption by consent and the Mixed Bank you are assessed according to a standard protocol that is used across the province. The assessment for fostering is similar in content to that of the Mixed Bank and adoption. The criteria have been agreed upon by the Ordre des psychologues du Québec, the Ordre



IT IS IMPORTANT TO UNDERSTAND THAT FROM THE YOUTH CENTRE'S POINT OF VIEW THEY ARE NOT "PROVIDING A CHILD TO A FAMILY" BUT RATHER "PROPOSING A FAMILY TO A CHILD."

professionnel des travailleurs sociaux du Québec, the DYP and the Ministry of Health and Social Services.

Although it may seem like a gruelling and intrusive process it is important to understand that from the youth centre's point of view they are not "providing a child to a family" but rather "proposing a family to a child." The job of the social worker is to get as thorough and accurate a picture of your family dynamics as possible.

The social worker will meet with you a number of times, with the couple and on an individual basis. These visits take place at the youth centre offices and in your home. You will be questioned on your motivation, your history of fertility/infertility, your expectation of a 'real child' vs. a 'dream child', your family plan, your ability to accept and support a child who may have developmental, attachment or behavioural problems, your socioeconomic, professional and cultural situation, your personal history and the personal history of your partner if you have one, your extended family, your health, your workplace and career, your childhood, your relationship history, your sex life, the evolution of your couple's relationship, your relationship with your children (if you already have a child), your (potential) child-rearing

practices, your attitude toward a child who is not biologically connected to you, your attitude regarding the child's biological family, your ability to establish and maintain a relevant support network, the impact of your plan on your family unit, your extended family, your career, etc, etc, etc... Your capacity as a parent will be tested in many ways.

In addition to all the above-mentioned factors prospective parents must accept having their regular routine, couple and family life turned upside down. They must also be ready and willing to collaborate with the workers in the youth centre network as well as other professionals who may be caring for the child. They must also be willing to be in contact with the biological family. Finally they must accept the possibility that the child might return to their family of origin. Although this is rare for Mixed Bank children, it could happen.

Prospective parents must also be aware that rather than becoming adoptable, there are a number of children who will be placed until the age of majority with the mixed bank parents and that the DYP will continue to be somewhat present in their lives. As the child gets older and the situation evolves some children in long-term placements will eventually become adoptable.

WILL I BE ASSESSED DIFFERENTLY BECAUSE I'M AN LGBT+ PERSON?

A caseworker who has knowledge of the LGBT+ community should also be savvy enough to assess LGBT+ applicants by asking questions that are especially pertinent to their status as future LGBT+ parents. For instance, a worker would be justified in wondering about how “out” you are in the spheres of your daily life. It is legitimate to wonder about whether a person who is partly in the closet is ready to raise children in an open, proud, and assertive manner. It is not legitimate however for a worker to suggest that a child would do better in our household with a “toned down” identity.

Some caseworkers will even go so far as to say that for many reasons LGBT+ parents are often favoured for cross-cultural matches because LGBT+ individuals can be more sensitive to cultural issues because of their own minority status experiences.

We were asked questions like, ‘How do you accept yourself as a gay man?’ ‘How did you come out?’ ‘Are you out at work?’ ‘They test how comfortable you are with your sexual orientation, the strength of your personality and what you can offer to a child.’

Ian and Noah – fathers in the process of adopting a two-year-old boy through the Mixed Bank.

IT IS LEGITIMATE TO WONDER ABOUT WHETHER A PERSON WHO IS PARTLY IN THE CLOSET IS READY TO RAISE CHILDREN IN AN OPEN, PROUD, AND ASSERTIVE MANNER. IT IS NOT LEGITIMATE HOWEVER FOR A WORKER TO SUGGEST THAT A CHILD WOULD DO BETTER IN OUR HOUSEHOLD WITH A “TONED DOWN” IDENTITY.

FROM ASSESSMENT TO PLACEMENT



Once the caseworker involved in the assessment of the prospective parents has finished the assessment, a decision will be made based on his/her assessment. All decisions, whether positive or negative, are reviewed within the youth centre (by an assessment committee, or the head of the adoption department, etc.). There are four possible outcomes:

- 1 Sometimes more information on the prospective parent(s) is needed and the assessment will continue.
- 2 The assessment is put on hold. For instance if the applicant(s) is seen as somehow in transition (e.g. still grieving over fertility issues, there has been a recent major loss such as the death of a child, the relationship is beginning or coming to an end, or a couple is concurrently trying to get pregnant, etc). In any of these cases a file can be put on hold for six months to a year and can be reactivated at a later point, after further assessment.
- 3 The applicant is rejected. In this case the applicant(s) are entitled to a written report. Some youth centres give this automatically, with others you must ask for it. Usually the decision is final but the couple can try to re-apply at a later point. There are many heterosexual couples that are turned down. A refusal is not an automatic claim for homophobia, lesbophobia, biphobia or transphobia. If you feel you were treated unfairly you can have your complaint formally reviewed by the agency.
- 4 The applicant(s) is (are) accepted.

IF THE ASSESSMENT IS POSITIVE, A CHILD WILL BE PLACED UNDER YOUR CARE NORMALLY WITHIN A PERIOD OF A FEW DAYS TO TWO YEARS, DETERMINED BY A NUMBER OF FACTORS INCLUDING THE PARENT-CHILD MATCH, THE STRENGTHS AND WEAKNESSES OF YOUR FAMILY, THE CHILD'S CHARACTERISTICS AND A NUMBER OF OTHER CRITERIA.

When the child is placed in the home, the applicants will be asked to sign a contract designating them as a foster family (even in the case of the Mixed Bank). It states what you need to provide for a child in this context and what the DYP will provide to you (e.g. subsidies, diaper allowance, formula allowance,

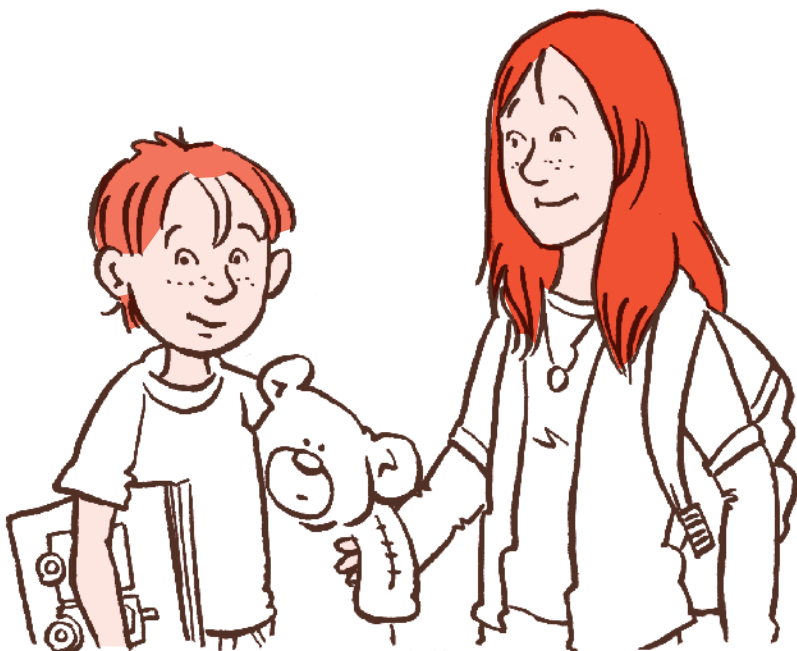
school supplies, activity allowances, clothes, etc). While the child is still under youth protection (e.g. before an adoption) the DYP will cover a number of expenses for your child's welfare. At the same time the DYP or the biological parents retain parental authority over this child, unless the judge decides otherwise.

CAN THE BIRTH PARENTS REFUSE ME BECAUSE I AM AN LGBT+ PERSON?

Although the law does not oblige the youth centre to tell the birth parents about your sexual orientation or gender identity, ethically it is important that they have at least a general idea of the type of family in which their child has been placed. The child's biological parents can of course make a homophobic or transphobic statement if they like but it is not necessarily taken into consideration. In the case of the Mixed Bank, the youth centre decides what is in the child's best interest. Sometimes the court decides to keep the identity of the foster family confidential. All decisions are made according to the best interests of the child.

Mixed Bank parents are sometimes like partners with the biological parents. Our boys' mother wasn't opposed to the fact that we were gay once we sat down and had a talk with her. When she knew a bit about us she was more at ease. I'd like to think that it made it more relaxed and easier for her.

Thomas and Marc – adoptive fathers of two boys ages seven and nine from the Mixed Bank.



SIBLING PLACEMENT

Many social workers who are looking for long-term placements for children who come into their care will make a special effort to try to keep siblings together. If for one reason or another this is not possible then they will try to find different families who are willing to maintain the links between children from the same biological parents.

In some youth centres, a prospective family who is willing to accept a pair of siblings into their home will be favoured over a home where the future parents only want one child at a time.

On the other hand, certain caseworkers in youth protection indicated that sometimes having siblings together can be complicated, as needy children from neglected backgrounds can feel the need to compete for the love

and attention of the new parents, or their needs are too great to be met by one family. If psychological fragility is evident, it may sometimes be wiser to place children in different homes where they can get all the attention they require, while still allowing them to have contact with each other. Sometimes social workers will try to place siblings in separate families that agree to keep in contact in order to maintain the links between the children.

MATCHING PARENTS AND CHILDREN BY ETHNICITY AND OTHER FACTORS

At Batshaw Youth and Family Centres caseworkers will try as much as possible to match children with parents from the same racial or cultural background as the child. Interestingly, Batshaw caseworkers stated they often found LGBT+ parents to be more open to ethnocultural diversity and more sensitive to the needs of a child of double minority status (i.e. adopted and racial minority) regardless of their own ethnocultural identities. Perhaps their own backgrounds as part of sexual/gender minorities have sensitized them to cultural differences.

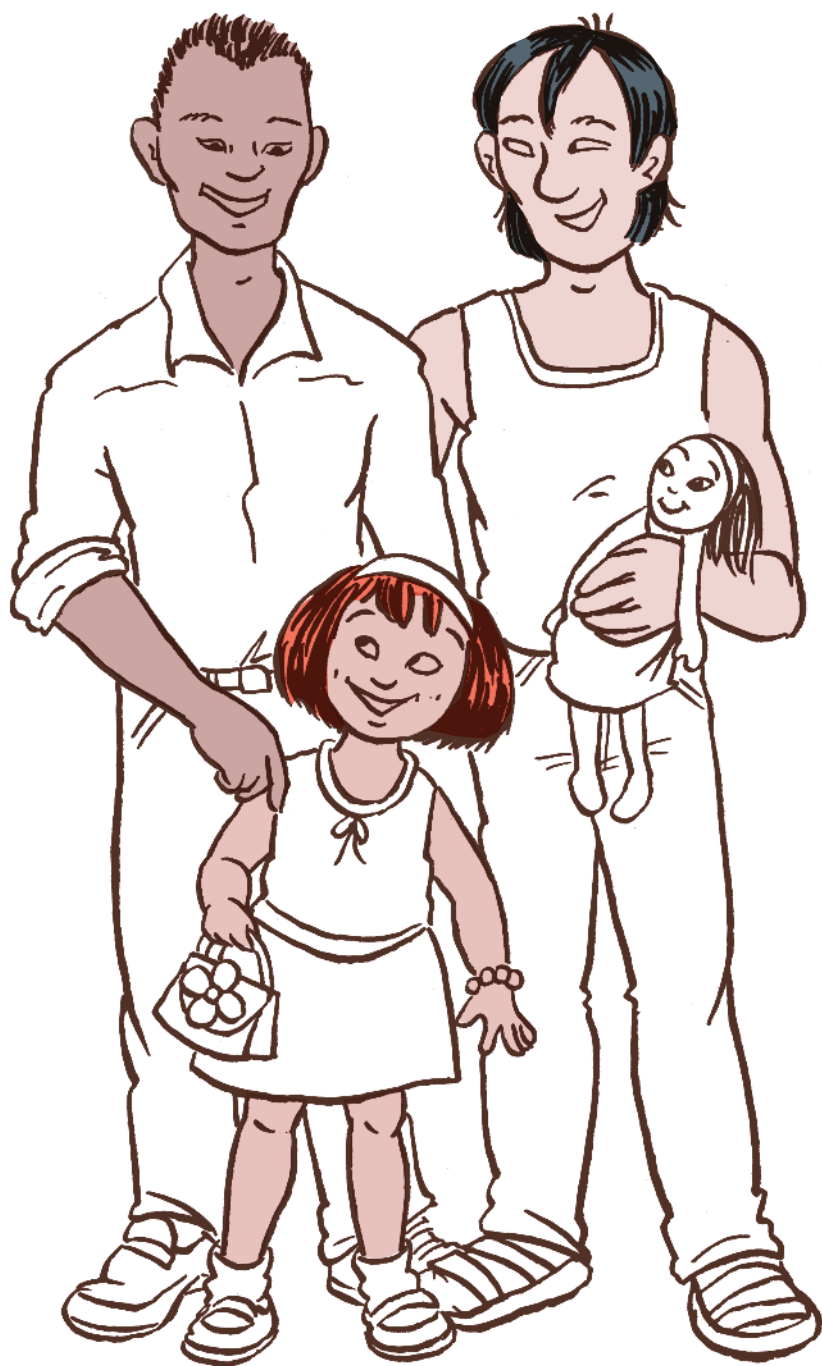
There are a number of other factors that might make you a good match for a particular child. Knowing sign language for instance would bring your application to the top of the pile if a hearing-impaired child were in the DYPs care. Many other matching scenarios can be envisioned.

In all cases caseworkers will choose the family that best fulfils the needs of a given child.

In our case we felt strongly about not wanting to adopt a child who had severe cognitive or physical disabilities. In terms of race or age however we were much more open. This probably helped move our file forward.

Nadia and Annik – mothers in the process of adopting a two-year-old son through the Mixed Bank.

INTERESTINGLY, BATSHAW CASEWORKERS STATED THEY OFTEN FOUND LGBT+ PARENTS TO BE MORE OPEN TO ETHNOCULTURAL DIVERSITY AND MORE SENSITIVE TO THE NEEDS OF A CHILD OF DOUBLE MINORITY STATUS (I.E. ADOPTED AND RACIAL MINORITY) REGARDLESS OF THEIR OWN ETHNOCULTURAL IDENTITIES.



SUPERVISED VISITS WITH THE BIRTH PARENTS

During the period before the child becomes adoptable (or if the child is in a long-term placement) some parents experience significant stress as they see the biological parents as a threat to their plan to adopt. Other parents however find that meeting the biological parents relieves stress as it de-dramatizes their idea of what these parents may be like. Meeting with biological parents may also help adoptive and long-term foster parents understand their child a bit better.

The court can order supervised visits between the child and their biological parents. The child's social worker will coordinate meetings with the biological parent(s) and in most cases these are organized at the offices of the youth protection agency. Sometimes the future adoptive or long-term placement foster parents are also present. In certain cases the judge orders that the identity of the future adoptive parents remain confidential.

In the long run many parents feel that it is in the child's best interest to be able to know who their birth parents are. In the case of long-term placements a judge will determine the frequency of visits with the biological family. This frequency can change through subsequent legal judgements

as the child gets older and depending on their needs. If the adoption is finalized the DYP does of course keep the parents' names and identifying information, but in some cases adoptive parents choose to go one step further and will maintain contact with the child's biological family even though they are not legally obliged to do so. Although open adoption is not legally recognized in Quebec, nothing

Our boys have a strong emotional attachment to their biological mom. Even our younger one who would have known her only for a few months seems to have memories of her. Though they have not seen her in more than three years, they continue to have a strong connection to their mother and so destroying that would be like destroying a part of them.

Thomas and Mark – adoptive fathers of two boys ages seven and nine from the Mixed Bank.

stops adoptive parents from making their own arrangements with biological family members if they see this as being in the interest of the child.

IN THE LONG RUN MANY PARENTS FEEL THAT IT IS IN THE CHILD'S BEST INTEREST TO BE ABLE TO KNOW WHO THEIR BIRTH PARENTS ARE. IF THE ADOPTION IS FINALIZED THE DYP DOES OF COURSE KEEP THE PARENTS' NAMES AND IDENTIFYING INFORMATION, BUT IN SOME CASES ADOPTIVE PARENTS CHOOSE TO GO ONE STEP FURTHER AND WILL MAINTAIN CONTACT WITH THE CHILD'S BIOLOGICAL FAMILY EVEN THOUGH THEY ARE NOT LEGALLY OBLIGED TO DO SO.

The youth centre told us everything we needed to know that could affect our son's life but of course there were personal things that they didn't share. We wanted to learn as much as possible so that we could tell him his mother's story and so that he could know that even though she had her difficulties she still loved him. Perhaps we will maintain some kind of contact with her, a yearly letter or a photo. For our son, but also for her.

Nadia and Annik – mothers in the process oug a two-year-old son through the Mixed Bank.

Agreements can be, for example, a visit around birthdays or holidays with the biological family or an annual photo exchange. Although keeping in touch can be in the interest of the child and can even be a sign of goodwill towards

the biological parents, in the end, it is the adoptive parents who make the decisions and can terminate any connection with the biological family if it is detrimental to the child or in general to the well-being of the adoptive family.

MOVING TOWARDS ADOPTION

HOW DOES THE PROCEDURE WORK?

The information contained in this section is for general use only. Adoption is highly technical and contains many rules. When in doubt it is always best to consult a lawyer specializing in adoption.

The basic requirements for an adoption are the following: first and foremost the adoption must be in the child's best interest. It is the youth protection agency that will decide whether or not an adoption should be pursued. There must be at least an 18-year difference in age between the adopter and the child, unless the child to be adopted is the adopter's spouse's child or the court dispenses with this requirement in

the child's best interest. The need for the child's consent to their own adoption depends on their age. Under 10 years old, the child's consent is not needed. From 10-13 years old inclusively, the child's consent is needed but the court can defer judgement for a specific time or grant the adoption notwithstanding the child's refusal. As of 14 years of age the child's refusal is a bar to adoption.



In order for a child to be adopted, they must first become judicially eligible for adoption either by parental consent or Quebec court order. Once this step is completed, one must obtain from the court an order of placement with a view to adoption. Anywhere from three to six months later, if all goes well, the court will pronounce the final adoption. These three steps complete the adoption process (see below).

In an increasing number of cases, children in the mixed-bank are initially placed with the mixed-bank family until majority (18 years of age after which the child can make their own decisions). Some of these children

will not become adoptable and so they are technically under the protection of the DYP. Legal decisions will be made regarding the frequency of visits with the biological parents, as well as who holds parental authority (either the DYP, the mixed-bank parents, or divided between the two). These decisions can be reviewed and modified as the child gets older or the situation changes. Although the frequency of the visits with the biological parents can evolve over the years, once a child is placed until majority, there is no chance of them being removed from the mixed-bank home. Eventually some of these children will become adoptable.

ELIGIBILITY FOR ADOPTION

A child can become free for adoption either by parental consent or by a judicial declaration of eligibility for adoption.

BY PARENTAL CONSENT:

Normally, both biological parents must consent. However it is sufficient to have the consent of only one parent if:

- A** Only the one parent's name appears on the act of birth. However, when the father does not appear on the act of birth, the DYP will need to investigate this further with the mother. If the father is identified, the DYP must make attempts to contact him in order to verify his paternity and whether he agrees to the adoption; the goal in so doing is to avoid legal complications later on in the adoption process.
- B** The other parent is deceased.
- C** The other parent is unable to express his/her will.
- D** The other parent is totally deprived by the superior court of his/her parental authority.

If both parents are deceased, unable to express their will or deprived of their parental authority, the consent of the child's tutor, if there is one, is required.

Consents must be given in writing before two witnesses. The same applies for withdrawal of consent.

When parent(s) sign a general adoption consent, the DYP decides who will adopt the child; the biological parents' wishes may or may not be respected, and the choice is made with the child's best interest in mind. Normally the DYP will only accept the parents' adoption consents when a clear and viable plan for the child's adoption exists.

Once the parents sign a general adoption consent, the DYP will exercise parental authority until the order of placement. A parent who signs an adoption consent may withdraw their consent (again before two witnesses) within 30 days; the child must then be returned to the parent unless of course there exists other reasons why the child would not be returned to the parent (by order of the court). After 30 days it becomes increasingly difficult for a parent to withdraw their consent.

BY JUDICIAL DECLARATION OF ELIGIBILITY FOR ADOPTION:

The second way that a child can become free for adoption is by way of a judicial declaration of eligibility of adoption. The judge, in other words, must declare the child "adoptable". This may only be done in one of the following cases:

- A** Neither the mother, father nor tutor has ensured the child's care, maintenance or education for at least six months;
- B** Neither the paternal nor the maternal filiation of a child over three months old has been established;
- C** The child's parents have been totally deprived of their parental authority and there is no tutor;
- D** The child has neither mother, father, nor tutor.

The latter three cases are clear, but very rare.

In all cases, the DYP must go before the courts. The first situation is the most common and the most complicated and can be contested by the birth parents. It requires that the DYP prove that the parents did not exercise their parental authority (i.e. care, maintenance or education) consistently for a period of at least six months.

Typically the DYP will attempt to establish that the parents:

- A** did not visit consistently;
- B** did not inform the DYP of their whereabouts;
- C** did not seek to find out how their child was doing;
- D** did not follow up on their child's schooling, health needs and general development;
- E** did not contribute materially to the maintenance of their child within the limits of their economic situation;
- F** did not follow through on the measures the Court of Quebec, Youth Division may have ordered intended to correct the situation;

It is obvious that in order to obtain a declaration of adoptability, there will need to be strong evidence that the parents have severely neglected their parental responsibilities for at least six months. This being said however, the DYP does not need to prove that the child was totally abandoned (zero contact) for six months, contrary to what one can sometimes hear. As well, the fact that parents (with intellectual deficiencies or psychiatric problems for example) are 'doing their best' and are not 'voluntarily abandoning' their child does not mean that their child cannot be declared admissible for adoption. The overriding factor will be the child's best interest.

When it is established that the parents have not in fact exercised their parental authority (care, maintenance and education), there is a legal presumption that the parents will be unable to resume caring for their child in the future. Once the court has made its decision, the biological parents or the DYP have 30 days in which to appeal this decision.

The court can decide as well to refuse to declare a child eligible for adoption if it concludes that the DYP or the foster parents have somehow hindered the parents' possibility of resuming their functions.

Once the judge has granted the declaration of eligibility of adoption, he/she will designate the director of youth protection to exercise parental authority between that day and the order of placement.

ORDER OF PLACEMENT

Once the child has been declared eligible for adoption, an order of placement must be obtained. The DYP and the prospective parents file a motion that the child should be placed in their home. They must show that the basic requirements will be respected, that the adoption is in the best interest of the child and if the child is old enough they must give consent.

Once the order of placement is granted and parental authority is transferred to the adoptive parents, the child assumes their new family name and the child cannot be returned to their birth parents. Six months later, or as early as three months in certain circumstances, the adopters must return to court to finalize the adoption.

FINAL ADOPTION

When the adopters return to court to finalize the adoption they go with a report prepared by the youth centre caseworker outlining the child's progress and adaptation to the family, etc. This report will make the recommendation as to whether or not the adoption should be finalized.

If the court grants the adoption, the effects are that the child will have a new filiation with the adoptive family. The filiation with the biological family is severed. The child will have a new name and birth certificate.

At the CJM, about 50 new children per year on average are placed in the Mixed Bank. Many of them will

become adoptable but not necessarily within the same year. A number of children who were placed in foster homes are eventually adopted as well. In total, 39 children were adopted in 2012-2013 through the Mixed Bank, by foster families and regular adoption at the CJM.⁴ In the same year there were 21 international adoptions with the

4 2012-2013 Annual Report. Centre jeunesse de Montréal-Institut Universitaire.

assistance of the CJM. The previous year Batshaw, a smaller youth center had 26 children adopted through the Mixed Bank and Fostering Program and about 11 international adoptions.⁵ The youth centre in Quebec City had 20 adoptions via the Mixed Bank and 27 international adoptions.⁶

There are only a handful of kids each year that are adopted through adoption by consent. These are the children whose parents have consented to the adoption. Because this is the case for an extremely small number of children the waiting list for regular adoption is approximately seven to eight years.

LEGISLATIVE CHANGES AND AVERAGE WAIT TIME

The delay between the child's arrival in your home and the moment when they becomes judicially eligible for adoption may vary. Many Mixed Bank parents find this period particularly stressful as they and the child have developed affective bonds but do not have a legal framework to protect their relationship. At the same time visits from the biological parents can increase the insecurity of the adoptive parents regarding their adoption project. Statistics from the CJM-IU show that since 1988 only 4% of the children registered in the Mixed Bank have been returned to their family of origin. The statistics are most likely similar throughout Quebec.

In June 2006 modifications were made to Quebec Youth Protection Act (in force as of July 9, 2007) to limit the amount of time a child can be left in a temporary placement before a permanent plan is put in place for their future. The idea behind the law is to limit the amount

of time that a child spends without a permanent plan in place. At the end of this period, if the child cannot be returned to their biological family, various options in the child's best interest will be evaluated. Adoption is one of the possible permanent plans.

5 Annual Report 2011-2012. Batshaw Youth and Family Services.

6 2011-2013 Annual Report. Centre jeunesse de Québec-Institut Universitaire.



It has been determined to be in the best interest of children in placement between zero and two years of age that a permanent plan be established within one year. For children from two to five years of age, 18 months are given and for children six years of age and over, two years are given to find a permanent placement. How this will play out in practice remains to be seen, but this is undeniably a step in the right

direction favouring rapid implementation of the DYP's permanent plans for children whose biological parents are not capable of assuming their parental responsibilities.

That being said, once a child has been placed in a Mixed Bank home the chances are good that they will eventually become adoptable. Unfortunately the waiting period is still sometimes long.

SERVICES FOR FOSTER PARENTS/POST ADOPTION SERVICES

The youth centres of Quebec provide financial and psychological support to foster families, including those in the Mixed Bank. Social workers can also direct families towards other resources within the community.

Several youth centres give conferences and offer information sessions on various subjects for foster and Mixed Bank parents.

The youth centres can also assist adults who were adopted through the youth protection agencies and their biological parents to renew contact. Success in doing so depends on whether or not the parents are still alive, if their current address can be tracked down, and if they are willing to meet up with their biological child or vice versa.

Once you have legally adopted a child, the child's dossier is no longer active within the youth protection agency and you alone are responsible for the child's wellbeing and care. Parents with adopted children, whether the adoption was international or local, may find themselves confronted with a variety of issues somewhat unique to adopted children, and a huge lack

of resources. Because of the need for post-adoption support, which has historically received little attention in Quebec, some services are beginning to develop. The Health and Social Service Centres (CSSS) have the mandate to develop post-adoption programs and in theory will do this at some point in the future. The youth centres also have a bank of professionals in private practice to whom they can direct you. Do not hesitate to call and ask.

Two CSSSs in Montreal, the CSSS de l'Ouest-de-l'Île (Pierrefonds) and CSSS Jeanne Mance (Montréal Centre-Sud and Plateau Mont-Royal) offer pre- and post-adoption services. As far as we know these are the only ones available in all of Quebec. Even if no specific post-adoption service exists in your region, adoptive parents can always consult their CSSS for specific needs.



The CSSS de l'Ouest-de-l'Île has programmes offered to parents with children adopted internationally, but does accept local adoption families on a case-by-case basis. If you have specific issues, a recommendation from a social worker can help you to be admitted to this program. Lac-St-Louis offers bilingual workshops as well as a regular drop-in support group for adoptive parents throughout the year. Their workshops cover themes such as attachment, resilience, talking about adoption with your child, the art of discipline, adoption for extended family, etc.

The CSSS Jeanne Mance organizes workshops on various subjects such as differences between adopted and biological children, trauma and development, loss, attachment, discipline and bi-racial families. Their pre-adoption program includes

workshops to help new adoptive parents deal with the health challenges of newly adopted children. They also teach parenting skills to help make your child's arrival as smooth as possible.

CSSS de l'Ouest-de-l'Île

180 Cartier Avenue
Pointe Claire, Quebec, H9S 4S1
Telephone: 514 697-4110, ext. 1307

CSSS Jeanne-Mance

155 Saint-Joseph East
Montréal, Quebec, H2T 2S6
Telephone: 514 286-0895

If you live in another region, consult the list of CSSS provided by the Ministry of Health and Social Services:

www.msss.gouv.qc.ca/en

THE YOUTH CENTRES OF QUEBEC



THE YOUTH CENTRES OUT IN OUR COMMUNITY

Since 2003, Batshaw Youth and Family Centres have participated in Montreal's Divers-Cité pride festival. Because of the lack of foster parents, but also because of the need for long-term commitments, they have set up a kiosk at the community fair to actively try and recruit LGBT+ prospective parents. By doing so Batshaw has rightly gained the reputation of being LGBT+ friendly.

Both Batshaw and CJM-IU representatives have come to speak to LGBT+ family groups in order to share information with prospective applicants. Other youth centres in Quebec have participated in training sessions about LGBT+ families.

CONTACT INFORMATION

If you are interested in adoption or fostering or just want to find out more you can contact the CISSS or CIUSSS of your region. To obtain contact information for the adoption services of each region, consult the hyperlink and look for CISSS and CIUSSS offering protection and rehabilitation services for youth in trouble of adaptation contact information.

www.sante.gouv.qc.ca/en/repertoire-ressources/votre-cisss-ciusss

OTHER RESOURCES

GENERAL INFORMATION ON THE WEB

SAINTE-JUSTINE HOSPITAL INFORMATION CENTRE ON CHILDREN'S HEALTH

A vast selection of references for books and web-sites on a variety of topics including adoption, that are geared to parents, teenagers and children. Click on "documentation santé" and then adoption.

www.chusj.org

INTERNATIONAL ADOPTION

SECRÉTARIAT À L'ADOPTION INTERNATIONALE DU QUÉBEC

Telephone: Montreal region 514 873-5226 and elsewhere in Quebec: 1 800 561-0246

Fax: 514 873-1709

Email: adoption.quebec@msss.gouv.qc.ca

www.adoption.gouv.qc.ca

FOSTER-PARENT RESOURCES

CANADIAN FOSTER FAMILY ASSOCIATION

An association that unites the foster parent organizations in the provinces and territories of Canada. The association is an advocacy group for foster parents as well as a central resource for information and communication to and between the member organizations and social service agencies associated with foster parenting (English only).

www.canadianfosterfamilyassociation.ca

QUEBEC FEDERATION OF FOSTER FAMILIES

The Federation represent foster families in their negotiations with the youth centres, partners with the Department on training and resource development and represents foster families involved in litigation with the youth centres. The Federation also plays a role in informing the public about the role of foster families and hosts training activities that complement compulsory training delivered by the youth centre.

www.ffariq.org

HELP-LINES

PREMIÈRE RESSOURCE, AIDE AUX PARENTS

Première Ressource, Aide aux parents is a free and anonymous telephone service offered by a team of professionals to help families who are experiencing problems that affect the parent-child relationship (0-18 years). This service is offered to parents, children and those who work with children.

Telephone : 514 525-2573

Toll free : 1 866 329-4223

www.premiereressource.com

PARENT ASSOCIATIONS

ASSOCIATION DE PARENTS POUR L'ADOPTION QUÉBÉCOISE (APAQ)

An association founded in 1996 with the goal of focusing on the adoption of children born in Quebec. Their objective is to make known the needs of Quebec-born children as well as to support the parents that are trying to meet these needs. Their wish is to help parents so that each child is assured a stable, safe and secure family environment. The association is open to those seeking to adopt as well as those who have already adopted, to share resources, experiences, worries, joys, with people who are living a similar reality. The association offers monthly discussion groups and guest speakers, as well as offering help to single parents who have adopted.

921, boul. du Séminaire Nord, suite 112
Saint-Jean-sur-Richelieu, Québec J3A 1B6
Telephone: 514 990-9144
Email: apaq@quebecadoption.net

www.quebecadoption.net/adoption/APAQ/apaq.html

FÉDÉRATION DES PARENTS ADOPTANTS DU QUÉBEC (FPAQ)

An association of adoptive parents and future parents, in international adoption, that defends the rights and interests of parents and children. The board is composed of volunteer parents who wish to favour the exchange between parents who are engaged in one way or another with adoption. The FPAQ regularly publishes the magazine: *La Cigogne*.

www.fpaq-adoption.ca

LGBT+ FAMILY COALITION

The lesbian, gay, bisexual and transsexual (LGBT+) Family Coalition was founded in 1998 to further the social and legal recognition of families with LGBT parents. The Coalition offers workshops and conferences for both parents and future parents and often addresses issues related to adoption.

Telephone: (514) 878-7600
Email: info@famillesLGBT.org

www.famillesLGBT.org

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A project of the LGBT+ Family Coalition

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We would also like to thank the families interviewed for this guide. Names used throughout the guide have been changed to protect the privacy of the families interviewed.

Ce guide est également disponible en français.

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NOTES

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.



**Coalition des
Familles LGBT+**
LGBT+ Family Coalition

LGBT+ FAMILY COALITION

Founded in 1998, the LGBT+ Family Coalition of Quebec (Coalition des familles LGBT+) advocates for the legal and social equality of families with LGBT parents and future parents.

To contact us:

514 878-7600

info@famillesLGBT.org

www.famillesLGBT.org