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1st SESSION, 67th GENERAL ASSEMBLY
Province of Prince Edward Island
2 CHARLES III, 2023

(Bill No. 33)

An Act to Amend the Adoption Act

Hon. Barb Ramsay
Minister of Social Development and Seniors

GOVERNMENT BILL

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Acting King's Printer
Charlottetown, Prince Edward Island

**For House
Use Only**

**Prince Edward Island
Legislative Assembly**

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AMENDMENTS

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TITLE: An Act to Amend the Adoption Act

#	SECTION	AMENDMENT	DATE

NOTED: _____ **CERTIFIED CORRECT:** _____
COMMITTEE CLERK **CHAIR, IN COMMITTEE**



AN ACT TO AMEND THE ADOPTION ACT

BILL NO. 33

2023

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. Section 1 of the *Adoption Act* R.S.P.E.I. 1988, Cap. A-4.1, is amended

(a) by the repeal of clause (d) and the substitution of the following:

- (d) “best interests of the child”** means the best interests of the particular child in the particular circumstances, taking into consideration all relevant factors, including
- (i) the child’s safety and well-being,
 - (ii) the child’s need for continuing parental care and guidance,
 - (iii) the importance of continuity, security, stability and permanency in the child’s care,
 - (iv) the child’s physical, mental, emotional and developmental needs, including any special needs for care or treatment,
 - (v) the child’s cultural, ethnic, linguistic and religious heritage,
 - (vi) the child’s sexual orientation, gender identity and gender expression,
 - (vii) the child’s views and preferences, relative to the child’s age and maturity,
 - (viii) the child’s relationships with persons who are significant to the child,
 - (ix) the capacity of the person with whom a child is placed or the applicant, as the case may be, to properly discharge parental obligations,
 - (x) any plans for the child’s care,
 - (xi) the possible effects on the child of delay in the disposition of an application, and
 - (xii) any other factors prescribed by the regulations;

(b) by renumbering clause (k.1) as (k.2); and

(c) by the addition of the following after clause (k):

- (k.1) “Minister”** means the Minister of Social Development and Seniors;

2. The Act is amended by the addition of the following after section 2:

2.1 Minister responsible for Act

(1) The Minister is responsible for the administration of this Act.

Powers of Minister

- (2) The Minister may, in respect of administering this Act,
- (a) establish goals, objectives, policies and guidelines;
 - (b) enter into agreements with persons or organizations to work in partnership with or on behalf of the Minister;
 - (c) allocate funding and other resources; and
 - (d) monitor and evaluate the delivery of adoption and post-adoption services.

Delegation by Minister

(3) The Minister may, in writing, delegate to any person a power or duty of the Minister under this Act or the regulations.

2.2 Duties of Director

- (1) In addition to performing other duties imposed throughout this Act or by the Minister, the Director shall
- (a) establish procedures respecting the provision of adoption services and post-adoption services;
 - (b) oversee and direct the provision of adoption services and post-adoption services;
 - (c) advise the Minister on matters relating to the administration of this Act.

Delegation by Director

(2) The Director may, in writing, delegate to any person a power or duty of the Director under this Act or the regulations.

3. The Act is amended by the deletion of the words “in the prescribed form” in subsections 3.1(1) and (2), subsection 3.2(1) and clause 9(b).

4. The Act is amended by the deletion of the words “in the prescribed form” and the substitution of the words “in a form approved by the Director” in subsection 3.3(1) and subclause 4(a)(ii).

5. Clause 7(2)(a) of the Act is amended by the deletion of the words “the person or persons who give up the child for placement” and the substitution of the words “each parent who signs a formal consent to the placement under section 4”.

6. Section 14 of the Act is repealed and the following substituted:

14. Age of applicant

An applicant shall be 18 years of age or older.

- 7. (1) Subsection 23(1) of the Act is amended by the deletion of the words “in the prescribed form” and the substitution of the words “in a form approved by the Director”.**
- (2) Subsection 23(3) of the Act is amended by the deletion of the words “the age of majority” and the substitution of the words “18 years of age”.**
- 8. Subsection 28(1) of the Act is amended by the addition of the words “, provided the person is older than the prospective adoptee” after the word “order”.**
- 9. Subsection 39(2) of the Act is amended by the deletion of the words “the person or persons who gave the child up for placement” and the substitution of the words “the parent or parents who signed a formal consent to the placement under section 4”.**
- 10. Section 57 of the Act is amended by the deletion of the words “, including prescribing forms for the purposes of sections 3.1 to 3.3”.**
- 11. This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**

EXPLANATORY NOTES

SECTION 1 amends section 1 of the *Adoption Act* by repealing and replacing the definition of “best interests of the child” and adding a definition of “Minister”.

SECTION 2 adds a new section 2.1 to the Act, setting out the responsibility of the Minister to administer the Act and the powers of the Minister in doing so. It also adds a new section 2.2 to the Act, setting out some of the duties of the Director and the power of the Director to delegate duties and powers under the Act.

SECTION 3 removes references to prescribed forms in specified provisions.

SECTION 4 removes references to prescribed forms and replaces them with references to forms approved by the Director in specified provisions.

SECTION 5 amends clause 7(2)(a) of the Act to refer to “each parent who signs a formal consent for placement” instead of “the person or persons who gave the child up for placement”.

SECTION 6 repeals and replaces section 14 of the Act to require an applicant to be 18 years of age or older instead of the age of majority, for clarity.

SECTION 7 amends subsection 23(1) of the Act to remove a reference to a prescribed form and replaces it with a reference to a form approved by the Minister. It also amends subsection 23(3) of the Act to refer to a parent under 18 years of age instead of under the age of majority, for clarity.

SECTION 8 amends the Act to move a requirement that an applicant is to be older than the person to be adopted, formerly in section 14 of the Act, to subsection 28(1) of the Act, which addresses the adoption of an adult.

SECTION 9 amends subsection 39(2) of the Act to refer to “the parent or parents who signed a formal consent to the placement under section 4” instead of “the person or persons who gave the child up for placement”.

SECTION 10 amends section 57 of the Act to remove a reference to prescribing forms for the purposes of sections 3.1 to 3.3, as those sections no longer refer to prescribed forms.

SECTION 11 provides for the commencement of this Act on proclamation of the Lieutenant Governor in Council.

(Bill No. 33)

An Act to Amend the Adoption Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 7, 2023
<i>2nd Reading:</i>	
<i>To Committee:</i>	
<i>Reported:</i>	
<i>3rd Reading and Pass:</i>	
<i>Assent:</i>	

SIGNATURES:

Honourable Antoinette Perry, Lieutenant Governor

Honourable Darlene Compton, Speaker

Joseph Jeffrey, Clerk

Hon. Barb Ramsay
Minister of Social Development and Seniors

GOVERNMENT BILL

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