

**ADOPTION OFFICER'S
MANUAL**

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Forward

This manual is designed to assist adoption officers in determining the entitlement to registration and band membership of adopted Indians. It also indicates the methods by which these requests are to be addressed.

Although an effort has been made to provide comprehensive direction in this manual, an officer may encounter situations for which the appropriate response is not clear. Questions arising from these situations should be directed to the Adoption Manager.

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Introduction

This manual adds to the information found in the Entitlement Officer's Manual. As an adoptions officer, you are already familiar with the contents of the Entitlement Officer's Manual: the basic legislation, structures, policies and procedures which apply to persons who are entitled to be registered. Some variations in policy and procedure are required to address the unique sources of adoption information and the confidentiality of that information. This manual focuses on those distinctions.

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Effect of Adoption on Indian Status

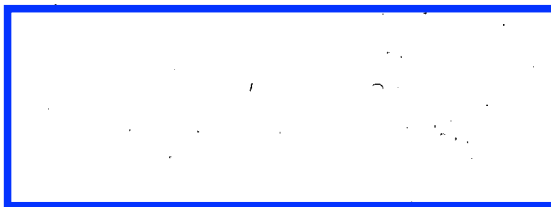
Prior to April 17, 1985, the *Indian Act* entitlement provisions did not allow for a change of status by reason of adoption. Indian persons legally adopted by non-Indian parents did not lose entitlement to Indian status and band membership upon adoption. Likewise, those persons legally adopted by registered Indian parents had to have entitlement to be registered as Indians before their adoption in order to have entitlement to Indian status and band membership. Adopted persons were automatically transferred between bands upon the department's receipt of their adoption details.

After April 17, 1985, with the passage of Bill C-31, there are three important changes affecting adoptees:

- i) a non-Indian adoptee acquires Indian status and possibly band membership when adopted by registered Indian parents;
- ii) persons adopted by registered Indians in accordance with an Indian custom are recognized as entitled to Indian status and possibly band membership; and
- iii) the adopted registered Indian is no longer automatically transferred to the adoptive parents' band or registry group. Such a transfer will take place only with the consent of the adoptive parents and the council of the admitting band.

Legal Adoption

This term is applied to adoptions which take place under the authority of provincial or territorial adoption legislation. Prior to the 1985 amendments to the *Indian Act*, this was the only type of adoption recognized by the *Indian Act* for the purposes of determining eligibility for Indian status and band membership. After 1985, custom adoption was also recognized.



Private Adoption

You should also be aware of the concept of private adoption. Most adoptions processed under provincial law are the full responsibility of the provincial or territorial government. However, in some cases, the adoption is arranged through a third party. The role of the provincial or territorial Director of Child Welfare is to verify that the process was correct and to sponsor the adoption before the courts. Frequently, the province or territory will not have retained all of the documentation necessary to confirm the eligibility of the child to registration. Once it has been confirmed with social services that it was in fact a private adoption, it may then be necessary to obtain this documentation from another source. Private adoptions are often step-parent, blood relative or open types of adoption where the birth and adoptive parents are known to each other. We would therefore approach the adult adoptee or the adoptive parents of a minor to obtain the documentation we require to confirm entitlement (**See Forms 25 and 25A in Appendix G**).

For private adoptions in Ontario, the procedure differs slightly. You would first verify from the Adoption Order whether or not a lawyer or private adoption agency was involved. If a lawyer or private adoption agency is identified in the Adoption Order and the lawyer/agency is on our list of private licensees for Ontario, your request for identifying information on the adoptee's ancestry should be directed to the Registrar, Adoption Disclosure Register, Adoption Unit, Central Services, 2 Bloor Street West, TORONTO ON M7A 1E9. If the Registrar, Adoption Disclosure Register, is unable to provide sufficient information or documentation, you should then approach the adult adoptee or adoptive parents of a minor for additional information. If, however, the lawyer identified on the Adoption Order is not on our list of private licensees for Ontario, your request for identifying information on the adoptee's ancestry should be directed to the Children's Aid Society in the county or district where the court is located. We have been instructed by the Ontario Ministry of Community and Social Services never to approach an Ontario private licensee for information on an adoptee's birth ancestry. After adoption has taken place, private licensees in Ontario are precluded by the *Child and Family Services Act* from divulging confidential information.

Stepparent Adoption

Upon adoption, the child's legal ties to the natural parents are severed and replaced with those of the adoptive parents, unless it is a stepparent adoption. If the child is being adopted by the spouse of a natural parent, the child's legal ties to that natural parent are unaltered. This is the case for stepparent adoptions in all areas of Canada except the Northwest Territories and Manitoba.

In both the Northwest Territories and Manitoba, the child's legal ties to the natural parents are severed upon adoption. No exception is made for stepparent adoption. Both the natural parent and the spouse, who is the adoptive parent, must apply to adopt the child.

De Facto Adoption

Most children are adopted while they are still minors. In some cases they are adopted in all practical senses of the term when they are minors but the formal process is delayed until they are adults. These are frequently referred to as *de facto* adoptions. The effect in law is the same as the adoption of persons while they are still minors.

There is no longer a universal requirement in provincial law that judges granting an Adoption Order to an adult adoptee must be satisfied that a *de facto* adoption situation existed.

Note: The Indian Registrar may in some cases consider the court documents and decision as a basis for making a determination, some type of court order is reasonably conclusive, but does not dispense with the Registrar's discretion to seek evidence should the need arise.

Therefore, before individuals who were adopted as adults can acquire entitlement to Indian status and band membership through adoption, we must be satisfied that the adoptee was adopted in all practical senses of the term by the adoptive parents while still a minor. This is consistent with our policy in custom adoption situations where we will not grant status through a custom adoption unless the adoptee was under the age of majority at the date of the adoption.

A *de facto* adoption situation may also occur in the case of Indian custom adoptions. The custom adoptee may have been adopted in accordance with Indian custom in all practical senses while still a minor but the official custom adoption ceremony or process did not take place until after the adoptee attained the age of majority.

In both types of adoptions (court and Indian custom), a *de facto* adoption will be considered to have occurred if:

- the adoptee has been in the custody of, brought up and supported by the adoptive parents as their own child while the adoptee was a minor and this relationship continued until the adoptee became self-supporting.

In the case of adoptions granted through the courts, in addition to the Adoption Order or letter from officials of Social Services confirming the adoption details, the proof that a *de facto* adoption occurred will be in the form of the following documents:

- 1) Affidavits completed by the adoptive parents in which they confirm whether they raised the adoptee **as their own child while he or she was under the age of majority for the province/territory where the adoption occurred**. The affidavits should state whether the adoptee lived with the adoptive parents, the date at which the adoptee began to live with the adoptive parents, and whether the adoptive

parents brought up and supported the adoptee while he or she was a minor. They should also state the date at which the child ceased to reside with and be supported by the adoptive parents, if applicable.

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- 2) Affidavits completed by two close friends, relatives or neighbours of the adoptive family who can state of their own knowledge whether the adoptee was in the care and custody of the adoptive parents while still a minor and whether the adoptive parents brought up and supported the adoptee as their own child while the adoptee was a minor. The affidavits should explain how they came by this knowledge and they should give the dates at which they first knew the adoptive family and when the adoptee began to live with the adoptive family. They should also state the date at which the adoptee ceased to reside with and be supported by the adoptive parents if applicable.

If the adoptive family have been living on a reserve, the second requirement may be fulfilled by a Band Council Resolution. The required content would remain the same.

The affidavits confirming whether or not the adoption was a *de facto* adoption situation will be requested **only in those cases where the adult adoptee would acquire an entitlement under the *Indian Act* through the adoptive parents** i.e. the adoptee would acquire entitlement to registration as an Indian, would have a choice of affiliation with an adoptive parent's band, or would be entitled to an upgrade from subsection 6(2) to paragraph 6(1)(f) (**See Form 23 in Appendix G**). If the adoptee's entitlement to registration is derived solely from the birth parents these affidavits will not be required. Also, if the adult adoptee is already registered under the birth identity, the adoption can be recorded without these affidavits if the adoption does not result in a change to the adoptee's registration category.

In the case of an adoption in accordance with Indian custom, the Band Council Resolution or affidavits completed by the Band Council, and the affidavits completed by the band elders, birth and adoptive parents or other family members confirming the existence of a custom adoption, should also confirm whether or not the custom adoptive parents raised the adoptee as their own child while he or she was under the age of majority for the province/territory where the adoption occurred; whether the adoptee lived with the custom adoptive parents, the date at which the adoptee began to live with the custom adoptive parents and whether the custom adoptive parents brought up and supported the adoptee while he or she was a minor. They should also state the date at which the adoptee ceased to reside with and be supported by the custom adoptive parents, if applicable.

The affidavits confirming whether or not the adoption was a *de facto* adoption situation will be requested **in those situations where the adult Indian custom adoptee will acquire an entitlement under the *Indian Act* through the adoptive parents, as previously described for persons adopted as adults through the courts as well as in those instances where a finding of custom adoption will determine the adoptee's right to inherit from an estate.**

Northwest Territories Aboriginal Custom Adoption

In the Northwest Territories, the *Aboriginal Custom Adoption Recognition Act* became law on September 30, 1995. Individuals who have adopted a child in accordance with aboriginal custom in the NWT can apply to a custom adoption commissioner for a certificate recognizing the adoption. This certificate will be filed in the Supreme Court of the NWT and once filed, it will be deemed to be an order of the court. Adoption certificates are not sealed. A new registration of birth will be substituted for the adoptee reflecting the custom adoption which will include the names of the birth and adoptive parents.

Notifications of aboriginal custom adoptions in the NWT received in the Adoption Unit are treated in the same manner as adoptions granted by the courts. They cannot be treated as custom adoptions under the *Indian Act* unless the Indian Registrar is provided with the same standard of proof of custom adoption that is required under the department's custom adoption policy.

It should also be noted that aboriginal custom adoptions are granted in the NWT in situations where the adoptive parents are not registered or entitled to be registered as Indians under the *Indian Act*.

When recording NWT aboriginal custom adoptions in the Adoption Module; Adoption Stores or A- List (Adoption Register), the date of adoption is the date the certificate was filed in the court. A remark is added to the adoption record identifying the adoption as an NWT custom adoption and providing the date that the custom adoption took place.

Custom Adoption

The *Indian Act* as amended in 1985 extended entitlement to Indian status to include children adopted in accordance with Indian custom. The Indian Registrar is required to respond to applications for registration on the basis of Indian custom adoption and to render decisions on eligibility for registration once a custom adoption has been confirmed.

Confirmation of Custom Adoption

→ Customs for adoption may vary widely from place to place. Only the local community is competent to judge whether an adoption has taken place in accordance with the historic customs of that particular community. Following consultation with several Indian bands representing each of the major tribal groups; it has been decided to confirm custom adoptions in the following manner:

- Ask the applicant to provide affidavits from the natural parents, adoptive parents, the band council and elders of the band stating whether they believe that the band has, or had at the time of the event, a custom for adoption and whether the

applicant was adopted in accordance with that custom. The affidavits should also indicate when the adoption took place. (See **Form 18 in Appendix G**). Applicants must have been under the age of majority at the time of adoption. No specific explanations of how the respondents reached their conclusions are required. If any of the documentation is not available, the applicant must provide an appropriate explanation;

- The Indian Registrar will consider the evidence received to determine whether it is reasonable to conclude that the custom adoption took place as claimed; and
- If the decision is in favour of the applicant, the Indian Registrar will render a decision on registration in accordance with sections 6 and 7 of the *Indian Act* on the basis of the adoptive parentage. While the person will be registered under the name that appears on the birth registration, any other names by which he or she is now known can be entered in the ALIAS section.

The Adoption Module

An Adoption Module, a sub-module of the Indian Registry System (IRS) relates to adoptions. This Adoption Module is comprised of three main databases: the Adoption Stores, the A-List also known as the Adoption Register and the Adoption File was known as the Adoption Correspondence Tracking System (ACTS) before June 2003. Prior to the conversion in 1984 to the computerized IRS, all adoption information was kept manually in the Black Binders. (Note: The Black Binders are still kept on hand in the Adoption Specialist's Office.)

The Adoption Stores

The Adoption Stores are a computerized record of adoptions of registered Indians. Every individual whose adoption is recorded in the Adoption Stores has an active record in the Indian Register under his/her adoptive identity.

The Adoption Stores contain information about adoptions recorded since the 1984 conversion to the computerized system. To retrieve information about adoptions recorded previous to the 1984 conversion, it is necessary to consult the Black Binders.

The types of adoptions which are recorded in the Adoption Stores are as follows:

- i) Registered Indians adopted by Indians;
- ii) Registered Indians adopted by an Indian and a non-Indian;
- iii) Non-Indians adopted by Indians; and
- iv) Indians, not previously registered, adopted by non-Indians and within 6 months of 18th birthdays or older when adoption recorded or age 16 or older when

adoption recorded in the case of an adoption breakdown confirmed by Social Services.

The confidentiality of adoptions is maintained by assigning the adoptee a new registry number under the adoptive name and, if the adoptee was registered under the birth identity, designating the adoptee's original registry page inactive with no explanation as to the adoptee's placement.

Registered Indians Adopted by Indians

There are two different ways in which a registered Indian may be adopted by Indians:

- i) the registered Indian is adopted by Indian(s) in his/her own band/group; or
- ii) the registered Indian is adopted by Indian(s) who are members of another band/group.

Adoptive Parents from the Registered Indian's Own Band/Group

In this case:

- the adoptee remains affiliated with his/her own band/group;
- his/her existing registry page and number under the birth identity are marked as "Inactive";
- he/she is given a new individual registry number within his/her band/group under his/her adoptive identity; and
- no entry will appear on a change report as there is no increase or decrease to the band/group population.

Adoptive Parents from another Band/Group

In this case:

- the adoptee remains affiliated with his/her own band/group;
- his/her existing registry page and number under the birth identity is marked "Inactive";
- he/she is given a new individual registry page and number in the natal band/group under the adoptive name;
- no entry will appear on a change report as there is no increase or decrease to the band/group population; and
- to transfer the adoptee to the band/group of the adoptive parents, the adult adoptee or the adoptive parents of a minor must obtain the consent of the adoptive parents' band council.
- if the adoption, and both the adoptee and the adoptive parents' entitlement to registration pre-date April 17, 1985, the adoptee can be transferred to the band of the adoptive parents upon the request of the adult adoptee/adoptive parents of a minor, without the consent of the adoptive parents' band council.

Registered Indians Adopted by an Indian and a Non-Indian

There are two common types of adoptions in which a registered Indian is adopted by an Indian and a Non-Indian:

- i) The Indian adopting parent is the birth parent, and the Non-Indian stepparent is the other adopting parent:
 - The adoptee's existing registry page and number under the birth identity are marked as "Inactive"; and
 - he/she is given a new individual registry page and number in his/her band/group under the adoptive name.
 - no entry will appear on a change report as there is no increase or decrease to the band/group population.
- ii) Neither the Indian parent or the Non-Indian parent is a birth parent:
 - The adoptee's existing registry page and number under the birth identity is marked as "Inactive"; and

- he/she is given a new individual registry page and number under his/her adoptive name in the natal band/group if the Indian parent is from a different or same band/registry group.
- no entry will appear on a change report as there is no increase or decrease to the band/group population.

Non-Indians Adopted by Indians

Non-Indians can acquire Indian status through legal adoption.

- he/she is given a new individual registry page and number in the adoptive parents' band/group under the adoptive name; and
- An entry will appear on a change report as there is an increase to the band/group population.

Indian Children, Not Previously Registered, Adopted by Non-Indians AND Within 6 months of 18th birthdays or Older When Adoption Recorded OR age 16 or Older when Adoption Recorded in the case of an Adoption Breakdown confirmed by Social Services

In these situations the adoptees are registered under their adoptive identities right away in the Indian Register and all adoption information is added to the adoption stores. There is no reason to register them on the A-List, since there is no birth information in the Client Services Module to keep confidential.

- A first time registration is created in the Client Services Module for the adoptee under the adoptive identity; no parental information is included; and

- An entry will appear on a change report as there is an increase to the band/group population.

The A-List/Adoption Register

The A-List is a computerized record of registered Indian children adopted by Non-Indians. It is a special protected Adoption Register kept separate from the Adoption Stores and the Indian Register to ensure confidentiality. By placing the name of a child on the A-List, an active record for the child is created on the A-List. The child no longer has an active record in the Indian Register until such time as he/she transfers from the A-List to the Indian Register.

The A-List was first introduced in 1961 and is now part of the Adoption Module on the IRS. At the time of the 1984 conversion to the computerized IRS, only those records of individuals active on the A-List were included in the computerized A-List. Reference must be made to the Black Binders for information on adoptions by non-Indians of persons who transferred from the A-List to the Indian Register previous to 1984.

The types of adoptions recorded on the A-List are as follows:

- i) Indian children adopted by non-Indians;
- ii) Indian children registered under birth identities, adopted by non-Indians AND 18 years of age or over when adoption recorded.

Indian Children Adopted by Non-Indians

An Indian child adopted by non-Indian parents does not lose Indian status or band/group affiliation. Information about the adopted child is recorded on the A-List. The result is:

- The child's existing registry page and number under the birth identity are marked as "Inactive";
- The child's birth name is added to his/her birth band/group's A-List report;
- No cross-reference information is provided to identify the placement of the child;
- No entry will appear on the change report since there is no actual decrease in the band/group population (Note: The child is on the registry group's A-List report.); and

- A child on the A-List is not eligible for a Certificate of Indian Status. However, the child or the adoptive parents can request that the Indian Registrar issue a letter of confirmation of Indian status, if one was not issued at the time the adoption was recorded. Such a letter is often required to enable the parents to claim the health care benefits the adoptee is entitled to.

***Indian Children Registered under Birth Identities, Adopted by Non-Indians
AND within 6 months of 18th Birthday or Older When Adoption Recorded***

For this situation:

- Adoptee's registry number is marked inactive on his/her register page;
- Adoptee's birth name is added to the A-List for his/her birth band/group and immediately transferred from A-List and given a new registry number in the band/group under the adoptive name;
- No cross-reference information is provided to identify the placement of the adoptee; and
- No entry will appear on the change report since there is no change in the band/group population.

Transfer from the A-List

An adoptee who appears on the confidential A-List can be transferred to the Indian Register upon request after turning eighteen years of age, or before age 18, in the special circumstances described below. When a transfer from the A-List occurs:

- The adoptee's A-List record is marked inactive;
- The adoptee is removed from the A-List Report;
- The individual is given a new registry number in his/her band/group under the adoptive name and no parental information will appear; and
- No entry will appear on the change report since there is no change in the band/group population.

Other reasons for transfer from the A-List are:

- i) adoptee within 6 months of his/her 18th birthday;
- ii) adoption breakdown, child age 16 or older, living independently, formalized by a letter from Social Services;
- iii) reunion with birth family, requiring a statement from the birth parents. A request to register the adoptee under the adoptive name in the published Indian Register is required from the adoptive parents;
- iv) adoptive parent becomes registered;
- v) adoptee accepted/enrolled in a program of study at post-secondary level and must apply to band for funding, requiring a letter from the post-secondary institution and verification that application can only be made to the band.

See Appendix L for the chart on recording procedures for the different adoption types.

The Adoption File

The Adoption File is the current Adoption Correspondence Tracking System (ACTS) which was re-engineered in 2003. ACTS was set up in November of 1990 to track all adoption related correspondence and to produce statistical information related to applicants. To locate pre-1990 correspondence, consult the old manual correspondence log kept in the filing cabinet with the backlog files. See Appendix K for an explanation of the ACTS codes.

Administration of Funds for Legal Adoptees

If there are any funds for adoptees, for example from per capita distributions of band funds, there are two different approaches to the handling of these funds, based on whether the adoptive parents are Indian or non-Indian.

Funds for Indian Children Adopted by Indians

The funds are administered in exactly the same manner as the funds of other children in the band/group.

Funds for Indian Children Adopted by Non-Indians

The funds are held in trust at the department and paid to the children on application at any time after they reach the age of majority. The exact age of majority is the legal age of majority in the province or territory where they reside.

AGE OF MAJORITY	
Prince Edward Island	18
Newfoundland	19
Nova Scotia	19
New Brunswick	19
Quebec	18
Ontario	18
Manitoba	18
Saskatchewan	18
Alberta	18
British Columbia	19
Yukon Territory	19
Northwest Territories	19
Nunavut	19

See Appendix M for Addresses of Regional Managers Responsible for Trust Accounts and for Payments to Adoptees letter dated May 2, 2001.

Processing Accounts for Indian Children Adopted By Non-Indians	
Responsible	Function
1. Adoption Specialist/Officer	Prepares notification to reporting office and Region that the individual is adopted by non-Indians.
2. Region	Makes deposits to the account as payments are due to the individual.
3. Adoptee	Requests the release of funds after 18th birthday, or age of majority in the province of residence.
4. Adoption Specialist	Prepares authorization to Region to release account to the adoptee.
5. Region	Makes payment to adoptee.

Withdrawals from the Adoptee's Trust Account

Withdrawals before the age of majority are permitted in exceptional circumstances, when it can be shown that the interests of the child will suffer if assistance is not provided. The delegation of authority instrument signed by the Deputy Minister in June 1990 delegated to regions certain operations relating to section 52 of the *Indian Act*, including releases of funds and appointments of guardians of the property of minors. As section 52 of the *Indian Act* applies to all minors, including those minors who are adopted and who have adoptees' accounts opened for them in the Consolidated Revenue Fund, Regional Directors General have signing authority for these operations in relation to minor adoptees' accounts. **All expenditure requests and requests for appointments of guardians on behalf of minor adoptees should be dealt with at the regional level.**

When a region receives a request directly from an adoptive parent on behalf of a minor adoptee, the region should liaise with the Adoption Unit at headquarters in order to obtain appropriate information so as to be able to access the appropriate account in the region.

If you receive a request from an adoptive parent on behalf of a minor adoptee, send a letter to the applicant stating that the request is being referred to the appropriate region, where the adoptee's account is held. You should then provide the appropriate Regional Manager of Estates with a copy of the incoming request, your letter to the applicant, and information connecting the account number to the name of the adoptee. As the information in the letter will be of a confidential nature, the letter should have protected status.

Finally, when a request is received by the Indian Moneys Directorate, they will forward it to the Adoption Unit. You should obtain the necessary information concerning the individual's account, and forward this and the incoming request to the appropriate region for follow-up.

If a minor adoptee was a member of a band in one region before being adopted, but lives in another region with his adoptive parents, requests should normally be handled at the region holding the appropriate account.

Regions are to use the directive on the management of moneys belonging to minors as a guideline when processing requests for releases of funds, or for appointments of guardians of the property of minor adoptees. However, as noted on the second page thereof, the directive, in general, does not apply to minor adoptees. Therefore, questions relating to other aspects of adoptees' property will be addressed to headquarters for direction.

Please note that while releases of funds and appointments of guardians of the property of minor adoptees are to be dealt with by regions, the procedure relating to closing out of accounts for adoptees upon their application at age of majority remains the same. (See the chart on the previous page.) Thus, if an adoptee is eighteen years of age or

older, requests by either the adoptee or the adoptive parents should be forwarded to the Adoption Unit so that the individual can be registered openly in the Indian Register under the adoptive identity, and the birth name removed from the protected Adoption Register, "A" List. Once this has been done, you should notify the Region regarding the release of funds, by providing appropriate identifying information.

Procedures and Forms for Administration of Funds
(Consult Appendix G for samples of forms.)

Adults Transferring Off A-Lists

Confirm whether or not the adoptee is associated with a treaty band.

If a treaty band

- in **Form 2** use option 2 of paragraph d
- use **Form 33**

If not a treaty band

Verify with region whether funds are held in trust.

- if no funds in trust – in **Form 2** use option 1 of paragraph d
- yes funds in trust – in **Form 2** use option 2 of paragraph d
- use **Form 33**

Minors Transferring Off A-Lists

Verify whether funds are held in trust and, if so, the amount.

Verify whether it is a treaty band.

No Funds in Trust, no Treaty

- in **Form 2** use option 1 of paragraph d

No Funds in Trust, yes Treaty

- persons do not have to be age of majority to receive treaty monies
- in **Form 2** use option 3 of paragraph d
- use **Form 38** (option 1)

Funds in the amount of \$250 or less

- in **Form 2** use option 2 of paragraph d
- use **Form 30** - Change of Account 924 to 911
- for Alberta only, use **Form 32A** (option 2)

Funds greater than \$250

- in **Form 2** use option 5 of paragraph d
- use **Form 30** - Change of Account 924 to 911
- for Alberta only, use **Form 32A** (option 1)

Late Recording of an Adoption for a Registered Indian over the Age of Majority

- in **Form 2** use option 4 of paragraph d
- use **Form 31** - Change of Account Information

Late Recording of an Adoption for a Registered Indian over the Age of 18, Not Age of Majority in Place of Residence

Verify whether funds are held in trust and if so, the amount. Verify whether it is a treaty band.

No Funds in Trust, No Treaty

- in **Form 2** use option 1 of paragraph d

No Funds in Trust, Yes Treaty

- in **Form 2** use option 3 of paragraph d
- use **Form 38** (option 2)

Funds \$250 or less

- in **Form 2** use option 2 of paragraph d
- use **Form 31**

Funds greater than \$250

- in **Form 2** use option 5 of paragraph d
- use **Form 31**

Confidentiality of Adoption Information

All documentation received in the directorate about individuals is sensitive and must therefore be treated with care. This is especially true of adoption documentation.

Legal Adoption

A key principle of legal adoption is that all information and documentation about the adoptee's natural identity is sealed upon adoption. The only information to be available to the adoptee and his/her new family is that associated with the adoptive identity. The

seal on these records is opened only under extraordinary circumstances. Most jurisdictions recognize the significance of Indian status and are prepared to provide documentation to the department to enable it to link adopted children to their natural identity. In turn, however, the department is expected to hold this documentation in the strictest confidence. This is achieved by holding adoption information in confidential registers that are available only to headquarters staff who are responsible for their maintenance. Other headquarters staff as well as regional, district and band staff are informed only of what they require from time to time to perform their duties on behalf of the department. Special emphasis is placed on preventing, or limiting to the minimum possible extent, the disclosure of information linking natural and adoptive identities.

Occasionally you will receive a request from an adoptee for information about his/her natural identity. Under no circumstances will information on natural identity be provided to adoptees or their adoptive parents. The adoptee must be directed to the provincial/territorial agency which processed his/her adoption if information which would or could lead to the location or identification of the natural family is desired.

Custom Adoption

Custom adoptions are normally open, not confidential, and all the facts are known to the community. For this reason, registrations of custom adoption are done like any other registration, and not in the confidential manner of legal adoptions.

The names and registry numbers of the custom adoptive parents will be added to the parental information sections of the Indian Register record of an individual who is being registered as a result of custom adoption. The names and registry numbers of the birth parents will also appear in the parental information sections of the Indian Register record of this individual. A remark will be added to the record to the effect that the individual was custom adopted and giving the date of the adoption. On the adoptive parents Indian Register records the custom adoptee (name and registry number) will be added in the family section as their adoptive son/daughter by Indian Custom adoption. On the birth parents Indian Register records the custom adoptee (name and registry number) will be added in the family section as their biological son/daughter who was Indian Custom adopted.

Note: The names of the birth parents will remain in the parental information sections of the Indian Register record of an individual who is already registered under the birth identity and whose custom adoption is now being recognized. The names and registry numbers of the custom adoptive parents will appear in the parental information sections. A remark will be added to the record to the effect that the individual was custom adopted giving the date of the adoption. On the adoptive parents Indian Register records the custom adoptee (name and registry number) will be added in the family section as their adoptive son/daughter by Indian Custom adoption. On the birth parents Indian Register records the custom adoptee (name and registry number) will be added in the family section as their biological son/daughter who was Indian Custom adopted.

Sources of Adoption Information

There are four possible sources of information confirming the adoption of Indians:

- i) the adoptee and/or adoptive parents;
- ii) social services;
- iii) adoption agencies; and
- iv) the division of vital statistics.

The Adoptee and/or Adoptive Parents

An individual may inquire as to whether he/she is Indian, or, assert that he/she is an Indian and request registration. In most cases, the only information that can be provided is the proof of adoption. (Consult the chart on the following page for the procedure for release of the adoption order to the adoptee.) In certain cases it may be confirmed by the adoptive parents that the claim to registration is based solely on adoption by Indians and that they either do not wish to have the child's natural ancestry investigated or that there is no entitlement through the birth parents. In these cases a written statement to this effect will be required from the adoptive parents. They should also indicate the child's pre-adoptive name (if known) so that we can eliminate the possibility that the child may already be registered. (See **Forms 25 and 25A in Appendix G**).

If the claim to registration rests on the birth parents, further information and documentation will be required. Normally, documentation cannot be provided by either the adoptee or the adoptive parents. Exceptions could be private adoptions, stepparent or blood relative adoptions, and open adoption situations. The adoptive parents may then be the primary source of information and documentation. (See **Form 25 in Appendix G**)

Province or Territory	<i>Release of Adoption Orders to Adoptees</i>
British Columbia	If the adoption occurred prior to 1968, Social Services cannot release the document to adoptee as the original name appears. As acceptable proof of adoption, individuals can obtain "To Whom It May Concern" letters from BC Social Services confirming details of adoption. (Note: with the new BC Adoption Act, adult adoptees born and adopted in BC may apply to the BC Vital Statistics Agency for a copy of the Adoption Order. Payment of a fee is required.)
Alberta	AB Social Services will provide Orders to adoptees.
Saskatchewan	SK. Social Services will provide Orders to adoptees.
Manitoba	The adoptee must first go to MB Social Services to obtain the name of the Court to be approached.
Ontario	Adult adoptees may now obtain copies of their Adoption Orders from ON Social Services even if they do not know their birth name (unless the Registrar of Adoption Information, Ontario Ministry of Social Services believes the release of the Order will cause serious harm). Adoption Orders issued after 1960 may not indicate the birth surname and there is no mechanism under which the birth name can be added or released. Adoption Orders will be released to adoptive parents upon request.
Quebec	Adoptee should direct inquiry to the individual agency that finalized their adoption (see Appendix C) and that agency will, in turn, direct the adoptee to the court that filed the document.
New Brunswick	Same procedure as Ontario.
Nova Scotia	A <u>Certificate of Adoption</u> will be provided by NS Social Services. They will provide the adoption order directly to us for the purpose of determining entitlement, or to the Secretary of State for immigration purposes.
Newfoundland	NL Social Services will provide Orders to adult adoptees (age 19 or older) or to adoptive parents of minor adoptees.
Prince Edward Island	Application must be made to the Provincial Court of PEI for the Order. Social Services do not keep copies of Adoption Orders on their files.
Yukon	YK Social Services will provide a copy of the Adoption Order.
Northwest Territories	<u>Confirmation only</u> will be provided by NWT Social Services for adoptions which took place <u>before 1982</u> . After 1982, the Adoption Order can be provided.
Nunavut	

Social Services

Most information and documentation about adoptees is obtained from provincial/territorial social services agencies. Many social service departments volunteer adoption information when they believe that the adoptee is an Indian. The legislation of the provinces of Ontario, Alberta, Manitoba, Saskatchewan and British Columbia now require the courts/social services to forward to the department all adoption orders affecting Indians. On June 15, 2007, a Memorandum of understanding (MOU) regarding adoption information was signed by Michael Wernick, Deputy Minister of the Department of Indian Affairs and Northern Development and Lesley du Toit, Deputy Minister of the Ministry of Children and Family Development, Province of British Columbia.

You are already familiar with the criteria for the determination of Indian status set down by the federal *Indian Act*, past and present. This is a major requirement in your work. It is equally important that you understand how **provincial/territorial legislation** pertains to adoption and how the social service officials of each province/territory interpret its application to the department's requests for adoption documentation. With this knowledge, you can better assess how to make requests for documentation and whether you should be attempting to persuade the provincial/territorial counterpart to provide stronger documentation in order to establish the eligibility of individuals to registration.

You should recognize that provincial/territorial adoption legislation places restrictions on the release of adoption information, that any two provinces/territories may interpret the same clause differently and that the provinces/territories are generally under no obligation to share adoption information with the department.

Excerpts of the legislation from each province/territory are included in Appendix A. What follows here is a brief description of the differences in procedure/practice brought about by that legislation. Approaches to individual provinces/territories have been tailored to respect, wherever possible, their interpretations of their legislation and, at the same time maintain an acceptable standard of evidence for registration.

Province or Territory	<i>Release of Identifying Information from Social Services to the Indian Registrar</i>
British Columbia	Ask that all information provided as a result of a personal examination of original documents in their files be certified. See par. (a) of Form 5. Notifies the department of all adoptions of children believed to be Indian. BC Vital Statistics will release original birth registrations to adult adoptees (born and adopted in BC) - send Form 24 to adoptee if this record is required.
Alberta	Although section 66(4) of the Alberta Child Welfare Act appears to require the release of the actual birth registration (See Appendix A), you should continue to accept confirmation of the contents of the original birth registration instead. Ask that it be certified. See par. (a) of Form 5. Informs the department of all adoptions of children believed to be Indian. Alberta - SS reply back via email password = PARTSAB01.
Saskatchewan	Information on the child's ancestry is available from the Post Adoption Registry. See par. (e) of Form 5. Saskatchewan courts inform the department of all adoptions where the child is believed to be Indian. The Director of DVS will provide the department with original birth registrations for adopted persons. For adoptees born in SK - send Forms 13 and 13A to adoptee/adopt. Parents if this record is required.
Manitoba	Requires <u>written</u> consent of the adult adoptee, or the adoptive parents of a minor, to release identifying information. Will certify that the information they are releasing was obtained from a personal review of the documents. See par. (a) of Form 5. If Post Adoption provides full info on both birth parents, finalize without input from parent agency cited by Post Adoption. Notifies INAC of all adoptions where the child is believed to be Indian. Provides notices of placements of children for adoption along with children's birth registrations.
Ontario	Adoption information is held by the Children's Aid Society that processed the adoption. If you do not know which Society office should be contacted, ask the Adoption Information Unit of the Ministry of Community and Social Services to identify the correct office (See Appendices D and B). Ask the Society to provide the best available documentation, such as a Crown Wardship Order or a Natural Parents Consent for Adoption form. See par. (c) of Form 5. Informs INAC of all adoptions of children believed to be Indian.
Quebec	Ask them to provide information in their files regarding the birth parents. See paragraph (e) of Form 5. Some social services centres in Quebec have not yet been asked to release identifying information on adoptees. Should a centre initially refuse to release identifying information to us, provide them with a copy of the Judgment of the Youth Court, District of Montreal dated January 21, 1993.
New Brunswick	Will not release original birth registration of the adoptee. Ask them to certify all information provided as a result of a personal examination of original documents in their files. See par. (a) of Form 5.
Nova Scotia	Ask them to provide the original birth registration or the best available alternative to confirm the natural identity of the child and the names of the birth parents. See par. (d) of Form 5.
Prince Edward Island	Ask them to provide the original birth registration or the best available alternative to confirm the natural identity of the child and the names of the birth parents. See par (d) of Form 5.
Newfoundland	Requires <u>written</u> consent of the adult adoptee, or the adoptive parents of a minor, to release identifying information. Should be asked to certify all information provided as a result of a personal examination of original birth documents in their files. See par. (a) of Form 5.
Yukon	Will provide INAC with original birth registrations for adopted persons. See par. (b) of Form 5.
Northwest Territories	Will provide INAC with original birth registrations for adopted persons. See par. (b) of Form 5.

Nunavut	(continued on next page)
U.S.A. & Other Countries	We have been successful in receiving replies to our Form 5 from Social Services/Courts in certain states. If adoption took place in one of following States: California, Connecticut, Massachusetts, Michigan, New Jersey, New York, Oregon, Pennsylvania, Vermont, Wisconsin, Washington, consult Manager to determine what procedure to follow. If adoption took place in a state not on the preceding list, send a Form 5 to the Social Services authorities involved and provide Manager with a copy of the request and the reply, when received. Use Form 14 for adoptions outside of Canada when proof of adoption has not been received.

Adoption Agencies

Occasionally, information and documentation must be obtained from private adoption licensees. Adoption agencies are generally cooperative in providing these when they are requested to do so. The Ontario Ministry of Community and Social Services, however, has instructed us never to approach an Ontario private licensee for birth information on adoptees since, after adoption has taken place, they are precluded from divulging confidential information. Our requests for identifying birth information should instead be directed to the Registrar, Adoption Disclosure Register, Adoption Unit, Central Services, 2 Bloor Street West, TORONTO ON M7A 1E9.

Division of Vital Statistics (DVS)

Original Pre-Adoptive Birth Records of Adoptees

The BC and SK Vital Statistics Agencies will release the original birth registrations of adoptees in their pre-adoptive identities directly to us. In special circumstances, the Ontario Office of the Registrar General will release an extract or summary of the information contained in the original sealed birth registration of an adoptee to the Adoption Disclosure Unit of the Ontario Ministry of Community and Social Services who will in turn release it to us. The Adoption Disclosure Unit requires the written request of the adopted person.

Saskatchewan Vital Statistics will release the original birth registrations of adoptees born in Saskatchewan to the Indian Registrar upon the request of the adult adoptee or the adoptive parents of a minor and payment of the prescribed fee. After all available information has been gathered from Social Services and any necessary documentation on ancestors of the adoptee obtained from Vital Statistics and after this information has been researched in departmental records, you should ask the applicant to apply for the adoptee's original birth registration **only** if additional information on the birth parentage is required (i.e. Social Services has insufficient information on the birth parents or no information on the birth father). **(See Forms 13 and 13A in Appendix G)**. Over the years, Saskatchewan Vital Statistics has forwarded copies of original birth registrations of adoptees to the Indian Registrar when the adoptees, believed to be Indian, have written to Saskatchewan Vital Statistics requesting the document. Saskatchewan Vital Statistics has informed the requesters that the documents have been sent to us and that they should write to us requesting registration if they so wish. These documents have been placed in a file folder in the bottom drawer of the clerk's cabinet located in the Adoption Unit. When processing applications from adopted persons born in Saskatchewan always check your CIDM's Doc # 831809 SK Birth Registrations to verify

whether the adoptee's birth registration may have been received.

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Under the new BC Adoption Act which took effect on November 4, 1966, adult adoptees (age 19 or older) born and adopted in BC may apply to receive a copy of their original birth registrations in their birth names (including the names of any birth parents on record) and a copy of their adoption orders provided a disclosure veto has not been filed.

There is a prescribed fee for this service. You should ask adult adoptees to apply for their original birth registrations **only** in the identical circumstances described in the preceding paragraph for adoptees born in Saskatchewan. (See Form 24 in Appendix G)

If a parent or both parents have filed disclosure vetoes with BC Vital Statistics, the applicant will receive a copy of the birth registration with identifying information on the parent(s) blocked out. If we receive a copy of a document from the adoptee with information blocked out or if we have any questions about information appearing on the document, please refer the case to the Manager for follow-up. Cris Clark of BC Vital Statistics has advised that it is not clear to her whether Vital Statistics would or would not provide the Adoption Unit with information blocked out due to a disclosure veto.

Records pertaining to Ancestors of Adoptees

With the exception of the Province of Nova Scotia and the Province of Ontario, arrangements have been put in place with every other provincial and territorial Vital Statistics authority across Canada for the release in confidence to the Adoption Unit of birth, marriage and death records pertaining to ancestors of adoptees. The chart on the following page indicates which approach to use to request documents.

Once you have determined that a record pertaining to an ancestor of an adoptee should be obtained to confirm either the lineage of a birth parent or other ancestor of an adoptee or to verify the existence of a marriage, etc., consult the Division of Vital Statistics Table in your CIDM's to determine whether this record has previously been requested or received. The table will be found under CIDM's Doc # 1199208 for: A to E, Doc # 1199216 for F to K, Doc # 1199219 for L to R and Doc # 1199223 for S to Z. When you have accessed the table, click on EDIT at the top of the screen and select "Find". Type the surname you are searching for in the "Find what:" box, select "Find Next" and repeat this action until you locate the name you are seeking or your search results indicate the name is not found. When you have completed your search, click on Cancel.

If the record you require has not previously been requested or received, use the following Form letters found in Appendix G to request the record and consult Appendix E or CIDM's Doc # 1133203 or <http://www.pptc.gc.ca/cdn/cert.aspx?lang=eng> for the names and addresses of the contact persons for each provincial/territorial Division of Vital Statistics:

Form 12 to Newfoundland, Saskatchewan, Alberta, Northwest Territories and Yukon
Form ___ to Québec - first confirm by phone that the record is one held by the Director of Civil Status

Forms 16 and 16A to British Columbia

Forms 17, 17A,B,C or D to Manitoba, New Brunswick, Prince Edward Island.

Enter the document request in the DVS Table alphabetically by the surname of the individual whose record is being requested by first accessing the correct portion of the CIDM's Doc # 1199208 for: A to E, Doc # 1199216 for F to K, Doc # 1199219 for L to R and Doc # 1199223 for S to Z. Click in one of the cells directly below the header, to move your cursor. Next, click on TABLE at the top of the screen and select "Insert" and then "Row Above or Row Below". Type in the information about the individual and the document being requested in the appropriate cells using the tab key to move from one cell to the next. When you have completed the entry, click on TABLE at the top of the screen and select "Sort". The message "Column 1" is highlighted and Ascending checked. Click on "OK" and then save your changes to the Table.

When the reply is received from Vital Statistics to your document request, update the Table to indicate that either DVS had no record of the event or that the record was received.

Release of Documents of Ancestors of Adoptee from DVS

NOTE: Documents pertain to ancestors of adoptees, not the adoptees themselves. Original birth registrations of adoptees are not released, except in Saskatchewan and British Columbia.

Province or Territory	Release of Documents From DVS
British Columbia	Use Forms 16+16A. Special procedure in place for BC: we instruct the adoptee/adopt parents how to request docs. for release directly to us as BC requires payment. Adoptees (age 19+) can apply for their original birth regs. Send Form 24 to adoptee if we require this document.
Alberta	Use Form 12
Saskatchewan	YES. We can obtain documents on ancestors of adoptees with name, complete date & place of birth. If info does not all agree with info in DVS record, DVS requires add'l info. Use Form 12. Original birth regs. for adoptees will be released directly to us upon request of adoptee/parents. Send Form 13 to adoptee/adopt parents if we require this document. Check SK-Birth Registrations in CIDM's Doc # 831809, to see if adoptee's birth reg. already rec'd.
Manitoba	Use Forms 17+17A. Special procedure in place for MB: we ask adoptee/adopt parents to provide us with a signed DVS Appl. & payment which we send on to DVS; doc. is released directly to us. DVS will not search for a birth record without full info (names of parents including mother's maiden name) unless other info is provided (e.g. marriage info). May also release original birth regs. for adoptees in special circumstances - see our memo Dec. 23/91. MB Social Services provide copies of birth registrations of children at time of placement for adoption (See MB-Placement Notices in CIDM's Doc # 928599).

(continued on next page)

Ontario	Use Forms 17+17D. Special procedure in place similar to MB. Appl. form to be signed by Manager not applicant. Name we supply must match name on record - give all variations. If events occurred between 1869-1897 (births) and 1801-1912 (marriages) and 1869-1922 (deaths), records are held at Archives of ON and available through inter-library loan. See letter and bulletin from Archives of ON on following pages. An extract of original birth reg. of adoptee may be obtained by ON Social Services from ON DVS. in special circumstances which Soc. S will release to us upon written request of adoptee
Quebec	Since Jan 1/94, docs. are issued by the Director of Civil Status. No central registry previous to that date. Phone Director first to confirm record is one held. If so, use Form _____. Special procedure in place similar to MB.
New Brunswick	Use Forms 17+17B. Special procedure in place with NB similar to MB. Rather than issuing copies of records, NB will issue statements on letterhead. Requests to go thru Shellie Stewart (506-453-3980) or Judi Baird (506-453-2388).
Nova Scotia	NO.
Newfoundland	Will provide verification of details appearing on birth registrations of ancestors of adoptees. Use Form 12.
Prince Edward Island	Use Forms 17+17C. Similar to MB & NB procedure.
Yukon	YES. Send Form 12.
Northwest Territories	YES. Send Form 12.

Letter and Bulletin from Archives of Ontario - Records at the Archives of Ontario as of Feb. 7/95

Letter dated February 7, 1995 to Janice McMichael, Manager, Adoption Unit, from Paul D. McIlroy, Reference Archivist (Genealogical) Public Service Section of the Archives of Ontario

Thank you very much for your telephone call of 7 February 1995. Again, my apologies for you having to play telephone-tag with our system. Please find enclosed copies of the information handouts we distribute concerning the Vital Statistics registrations and Ontario adoption materials at the Archives of Ontario. Unfortunately, in many cases, individuals seeking proof of their Aboriginal Ancestry will be disappointed as the records were never created. This is due to a variety of reasons.

First, while we have many of the pre-1869 Marriage Registers of the Provincial Secretary going back to the 1830s (and some to 1801), the Registrar General apparently never acquired all of them so our collection is not complete. At present, I know of no surviving civil (as opposed to religious) marriage registers before 1869 for anywhere north of the French and Mattawa Rivers.

Second, during the 19th century, the lands of the North Shore and Lake Superior were originally under the control of the Hudson's Bay Company and then the Federal Government. While transferred piecemeal to the Provincial Government after 1870, Queen's Park's presence was highly tenuous at best. Long after the CNR railroad went through in 1882-1884, their power still "ended" at the boundaries of most northern municipalities unless you were a river or a tree.

Third, this omission was especially true in relation to the First Nations as the Provincial Government considered them a federal responsibility. Most First Nations people residing on reserves dealt almost exclusively with the Federal, not the Provincial, government. To a great extent, Natives were either exempted from most provincial regulations or their affairs were handled for them by the local Indian Agent. The problem is that Ontario's Vital Statistics Act placed the onus of registering a birth, marriage or death on the family. Many Natives never registered the births of their children as they thought it had been done for them by their Indian Agent (it often was) or that the registration was unimportant. The latter was widespread feeling at a time when, before Old Age Pension, there were no social services dependent on a person's age.

Often the only record listing a birth, marriage, or death may be a church record. To locate these, the applicant needs to know the religion of the individuals (or, in the case of a christening, of the parents) and location of the event to pin-point the specific congregation records needed. To this end, we've created a list of the various religious archives holding Ontario material. A copy is enclosed.

In most cases, the records of your department at the National Archives of Canada are their only source of documentation. Before using them, we strongly recommend they read:

- Bennett McCordle's *Indian History and Claims: A Research Handbook* (Ottawa: Treaties and Historical Research Centre, Indian and Northern Affairs Canada 1982. 2 vols.) Now out-of-print, we state it is widely available by inter-library loan and warn them to order in both volumes.

- Bill Russell, "Records of the Federal department of Indian Affairs at the National Archives of Canada: A Source for Genealogical Research". It is in the process of being printed and is available from the author, c/o Government Archives Division, National Archives of Canada, 395 Wellington St., Ottawa K1A 0N3.

(Continued on following page)

If you have any queries or questions about the information in the material I'm sending you, please feel free to call me.

ENCLOSURES

1. Ontario Vital Statistics Bulletin #5 - Records at the Archives of Ontario as of May 1994.
(See pages 25 and 26).

Available from Manager, Adoption Unit

2. Vital Statistics from The Archives of Ontario - How to Make a Legal Request.
3. Sources of Religious Records in Ontario.
4. Aboriginal Sources at the Archives of Ontario.
5. Adoption Information: Archival and Government Sources.

Ontario Vital Statistics Bulletin #5

Records at the Archives of Ontario as of May 1994

1. **WHAT THE ARCHIVES HOLDS**. The Archives of Ontario has the Indexes (where they exist) and Registration Books from the Office of the Registrar General of Ontario for:

Births: 1869-1897 Marriages: 1801-1912 Deaths: 1869-1922

ALL OF THESE RECORDS ARE ON MICROFILM. Another year of records is annually sent to the Archives but are restricted until they have been microfilmed. The most recent transfer (1898 births, 1913 marriages, and 1923 deaths) has just arrived and will be filmed late this year.

2. **HOW THE MICROFILM IS AVAILABLE**

1. On self-service in our Reading Room at 77 Grenville Street, Toronto, Ontario, CANADA, open weekdays 8:15am-10:30pm and Saturday 10:00am-8:00pm.
2. By inter-library loan from the Archives of Ontario to your public library (limit of 3 reels per request will be sent).
3. On loan through the Family History Centres of the Church of Jesus Christ of Latter-Day Saints. Your local public library or Church of Jesus Christ of Latter-Day Saints will have the address of the nearest Centre. You must visit the Centres as they do not accept written inquiries. Telephone first to confirm their hours.

3. **HOW THE REGISTRATIONS ARE INDEXED**

All registrations except marriages before 1873: There are computer-generated Indexes sorted: first, by surname initial; within, by year of event; lastly, alphabetically. The Indexes give: full name, date and place of the event, Registration Number and Registration Year. To order the correct microfilm of Registrations, you must have the Registration Number and Registration Year. For

further details, write for our PATHFINDER *"Vital Statistics Name Indexes: An Explanation of the RG 80 Index Codes"*.

Marriages 1801-June 1869: These registrations are recorded in the District Marriage Registers 1801-1857 or the County Marriage Registers 1858-June 1869. The Registers and corresponding Indexes (where they exist) were filmed together. For Further details, write for our PATHFINDER *"Marriage Returns for Upper Canada, Canada West and Ontario 1801-1948: A Guide for Genealogical Research"*.

Marriages July 1869-December 1972: As no computer-generated indexes were created, the Original Indexes microfilm must be ordered instead. Each Index is sorted: first, by surname initial; then, grouped by County/District. The Indexes contain the "Liber" or "Lib." (volume) and "Folio" (page) number of the registration.

4. WHAT WAS RECORDED IN THE REGISTRATIONS

BIRTHS: Year of birth; name; gender; father's name; mother's maiden name; rank; father's occupation; signature and residence of informant (usually a relative); accoucheur's (the person who assisted with the birth); registration date; registrar's signature; County/District of registration (an exact city, town or township is normally not given for the earliest years).

MARRIAGES (1801-June 1869): the information recorded varies widely. See our "*Marriage Returns for Upper Canada, Canada West and Ontario 1801-1948*" PATHFINDER listed above for details.

MARRIAGES (July 1869-1911): About both persons: Names, ages, places of residence and birth; marital status (bachelor or widower; spinster or widow); occupations; fathers' name; mothers' maiden name; and religious denomination(s). About the marriage: location and date marriage occurred; witnesses' names and residences; name of clergy conducting the marriage; whether marriage was by issuance of marriage license or publication of banns; registration date.

DEATHS: Name; age; sex; religious affiliation; rank or profession; birth place; cause of death; name and description of informant; registrar's name; date registered; County/District of registration. After 1907, the place of burial and the name of the parents were also requested.

The above information was requested by was not always recorded in the registration. The data entered can be incomplete, entered on the wrong line, or incorrect. If a computer-generated index omits a registration, order the Original Index for that year.

5. WHAT SERVICES THE ARCHIVES OFFERS.

The Archives **CANNOT** do genealogical searches or issue certificates. Only the Registrar General can issue certificates (see address below). The Archives will produce a certified copy of a registration for legal purposes only. Each request must include:

1. A letter of verification from a solicitor or similar authority stating the mandatory need for the registration.
2. A letter from the client authorizing this individual to act on their behalf.
3. The registration information from the Indexes requested in Section 3 above.

The Archives will search an index only if the submission states why the requester is unable to search the Indexes AND a range of no more than 3 years (e.g. 1890 to 1892) is requested. If a specific year is stated, we will search that year plus the year on either side.

The Archives does not charge for this service. Please do not send any fees. For further assistance on submitting a Legal request, please refer to a copy of our PATHFINDER "*Vital Statistics from the Archives of Ontario: How to make a Legal Request*".

6. SALE OF VITAL STATISTICS MICROFILM

The Archives is presently selling only the 31 reels of Indexes. For purchasing details, write us (put "Attention: VS Microfilm" on the envelope) or telephone (416) 327-1539.

7. FOR MORE INFORMATION ABOUT VS SERVICES

Call our 24-hour Vital Statistics HOTLINE at (416) 327-1593 for a recorded update of this bulletin. Ontario and Quebec residents can call toll-free weekdays 8:15am-4:15pm to 1-800-668-9933 ext. 1593.

For Births after 1898, Marriages after 1913, Deaths after 1923, and all certificates, you must contact:

Office of the Registrar General
P.O. Box 4600
Thunder Bay, Ontario
P7B 6L8

Overview of the Application Process

The following diagram briefly describes the stages in which an application proceeds through the Directorate. A flow chart of the adoption officer's role in the process appears on page 55.

ADOPTION SUPPORT CLERKS	<ul style="list-style-type: none"> - record the adoptee/child-in-care/ foster care person in the Adoption Module on the IRS, and records information related to the incoming request - reviews all incoming correspondence, identifying those which can be handled by an adoption specialist and those requiring officer attention: applications where the adoptee cannot be confirmed as registered
ADOPTION OFFICER	<ul style="list-style-type: none"> - conducts research - determines entitlement or establishes need for documentation - processes and proofreads letters - signs document request or, if a request for band affiliation choice, a form 13,16,17,18,23,24 or an unusual case, refers to Manager for signature - if confirming entitlement or denying registration, refers letters to peer for verification - as a peer verifier, reviews and signs colleagues' letters if a 6(2) or 6(1)(f) entitlement and the parent(s) are registered or refers to Manager for signature if it is a custom or de facto adoption, an entitlement under another provision of Section 6 or a denial.
ADOPTION SPECIALIST	<ul style="list-style-type: none"> - enters data into Client Services and Adoption Modules on the IRS for registrations, deletions, upgrades, downgrades
ADOPTION SUPPORT CLERK	<ul style="list-style-type: none"> - updates the Adoption Module on the IRS for document requests, denials and other correspondence on completed files. - Mails out all officer correspondence with copies to appropriate departmental, band or provincial offices - returns file to officer or, if a completed file, PAS file to Records

APPLICANT	- receives letter
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The Adoption Officer's Role in the Application Process

The basic steps you should follow in researching an application or a group of related applications for registration under the *Indian Act* are as follows:

Examine the Application

Examine the application(s) carefully, taking note of the source of the inquiry, the information provided as to adoption details, the band of the natural and/or adoptive parents and the grounds for registration. Identify, if possible, whether the applicant is entitled to be registered through the natural parents, the adoptive parents, or both.

Prepare a Family Tree (on paper and electronically in the Adoption file)

Prepare a family tree for applicants reflecting both the natural and adoptive families from the information provided. Information may be added or amended as research progresses. Consult Appendix G for a sample family tree form.

Do I Need Proof of Adoption?

In the case of applications from individuals, adoptive parents or lawyers, note whether there is proof of adoption. The existence of a legal adoption can be confirmed with one of the following:

- i) the adoption order;
- ii) a letter from the appropriate provincial/territorial social services agency;

If the applicant has not provided any of these documents, you must request that they do so before you can proceed. **(See Form 3 in Appendix G)**

(Refer to the table on page 25 for information on the release of Adoption Orders to adoptees by the provinces/territories).

If the request for registration is received from social services, you may accept the request itself as proof of adoption. Further proof is not necessary. However, a written request for registration from the adult adoptee or the adoptive parents of a minor will be required if there is no indication that the adoptee has not been returned to the permanent care of social services.

Indian custom adoptions and *de facto* adoptions will be recognized in conformance with the accepted policies. If the request for registration is based on custom adoption or *de facto* adoption, the verification of Indian ancestry will also follow the steps outlined in this section, with the exception of reference to provincial/territorial social services and vital statistics divisions. **(To request documents verifying the existence of a custom adoption or a *de facto* adoption, use Form 18 and Form 23, respectively, in Appendix G).**

Consult the Computerized Indian Register System (IRS)

Verify from the computerized Indian Register System in the Enquiries Module, that the applicant, or any of his/her natural ancestors, or adoptive parents, are already registered as Indians.

Consult the Entitlement and Adoption Modules

Consult the Entitlement Module and the Adoption Module where an applicant appears to be claiming entitlement to registration for the first time. It may be possible to locate completed applications from other family members, either natural or adoptive. If so, copies of pertinent research notes and documents are taken to attach to the application under consideration. This step eliminates the possibility of duplicating sometimes lengthy research, as well as the possibility of requesting documents already received. In some instances, you may uncover relevant information that the applicant was unable, because of adoption, to include in the application.

At this point, you may be able to determine entitlement if you have already received confirmation of natural parentage from social services and if one or both natural/adoptive parents are registered.

If the Available Information is Insufficient

On the basis of the proof of adoption, an inquiry should be made to the appropriate provincial/territorial social service agency to obtain or confirm information about the birth ancestry of the applicant. **(See Form 5 in Appendix G)** In some instances, you will already have both the applicant's request and the confirmation of birth parentage from social services.

To determine which social services to contact, refer to the adoption order. With the exception of Ontario and Quebec, each province/territory has one registry. **(Consult Appendices B, C and D for the addresses of the provincial/territorial Social Services agencies, the Quebec Social Services Centres and the Children's Aid Societies of Ontario, respectively.)**

If an applicant was adopted in Montreal, it may be easier to telephone the three Montreal social services offices to determine which one should be sent the Form 5.

If the applicant was adopted in Toronto, it may be easier to telephone the five different

Toronto Children's Aid Societies to determine which one should be sent the Form 5.

For private adoptions which took place in Ontario, send the Form 5 to the Adoption Information Unit in Toronto. (**See Appendix B for address**). You should also contact the Adoption Information Unit in Toronto for the name of the Children's Aid Society holding the adoption file for an adoptee, when the Children's Aid Society or Societies you have already written to advise they have no record of the adoption.

When Social Services Have Replied

Upon receipt of the requested information, you should consult the Client Services, Entitlement and Adoption Modules again. Look for the additional names which may have been provided by social services. Add any new information to your family tree.

N.B. Information and documentation received from Social Services is received in confidence and is exempt from disclosure under the provisions of the *Privacy Act*. This information and documentation cannot be released to anyone including officers of the Entitlement Unit.

Special Records for Adoptees born in Manitoba & Saskatchewan

If the adoptee was born in the Province of Manitoba, consult the file for Manitoba Placement Notices in CIDM's Doc # 928599 MB-Placement Notices, hard copy located in the bottom drawer of the clerk cabinet in the Adoption Unit. Manitoba Social Services regularly provide the Adoption Unit with notices of placements of children for adoption along with copies of the birth registrations of the children. This documentation should be removed from the Manitoba Placement Notices file and added to the adoptee's file.

If the adoptee was born in the Province of Saskatchewan, consult the file for Saskatchewan Birth Registrations in CIDM's Doc # 831809 SK-Birth Registrations, hard copy located in the bottom drawer of the clerk cabinet in the Adoption Unit. Saskatchewan Vital Statistics provides the Adoption Unit with copies of original birth registrations of adoptees when they receive a request for these documents from the adoptees or adoptive parents. Vital Statistics writes back to the requestor indicating that the document has been released directly to the Adoption Unit due to its confidentiality and indicating that the requester should write to us to request registration if they so wish. This documentation should be removed from the Saskatchewan Birth Registration file and added to the adoptee's file.

The CIDM's files should be updated to record additions or changes. (See Appendix N).

Consult the Records

Identify the primary records to be consulted to confirm an earlier registration of the applicant or his/her ancestors. This will depend upon the completeness and accuracy of the information supplied in the application or by social services. If the information

indicates a loss of status between 1951 and 1984, the **black registers** for the band concerned should be consulted (electronic version and paper if necessary). If the loss of status occurred prior to 1951, consult the computerized Indian Register System for the identified band, treaty and interest **paylists, census records, and pre-1951 band lists, records of enfranchisement, the Indian women who married non-Indians volumes, records of scrip** if appropriate, and **membership files**. If the loss of status occurred between 1984 and 1985, consult the computerized Indian Register System. Officers should bear in mind that events may be recorded in the Indian Register many years after the event date. Research should begin with the black registers if the application does not contain information on the grounds for registration or for the loss of status. Photocopy the pertinent records page(s) from the black registers to attach to the application. Where information is extracted from the paylists complete "Extract from Paylist" forms. **(For a comprehensive listing of the department's research sources, see Appendix I)**

Organize Your Findings

One of four situations is likely at this point:

- i) you may need to request further information as a basis for additional research.
- ii) you require additional documentation to verify entitlement. (See "Establishing Evidence" below, and the Division of Vital Statistics chart on pages 30 and 31.)
- iii) you have all the required documentation and information to demonstrate the right to entitlement. Proceed to register the applicant. (See page 44 "Letter of Authority".)
- iv) you may find that the applicant has no entitlement to Indian status. Prepare a letter of denial. (See page 50.)
- v) you may find that the applicant is already registered in his/her natural identity. Take the necessary steps to have the adoption recorded.

Establishing Evidence

The **Indian Act** sets out criteria by which a person may be registered as an Indian. In order to confirm entitlement to Indian status, sufficient information must be received to permit the Indian Registrar to establish a right of registration. Basically, this requires the establishment of a linkage with a person who is, or was, recognized as a member of a band or body of Indians in Canada. This linkage must be verified through birth, death or marriage documents and statutory declarations. The basic principle is that the evidence must be the best that is available.

In most instances confirmation from Social Services of the identity of the birth parents of an adoptee will be sufficient to verify the linkage. This would include Social Services confirmation that the birth mother was the source of the information in their records about the identity of the birth father. However, if the adoptee has been reunited or maintained contact with the birth parents and entitlement to registration is being claimed through the birth father, as the best available evidence of parentage, ask for Statutory Declarations from the birth parents confirming paternity.

When further documentation pertaining to the birth or adoptive ancestry is required, contact DVS or the applicant, whichever is appropriate, for one or more of the following:

- **long form** birth registrations showing the names of parents, when it is necessary to establish the natural ancestry of adoptees; the best available substitute will be considered where necessary, i.e. where DVS has no record of the event;
- **long form** marriage certificates;
- **long form** death certificates;
- change of name documents (to supplement the long form birth registration when the name by which the applicant wishes to appear in the Indian Register is different from that on the birth document).

As the Province of Quebec used a different registration system, baptismal certificates are acceptable for events that took place in that Province prior to January 1, 1994.

(See the table **Release of Documents of Ancestors of Adoptees from DVS** appearing on page 30 of the manual, to determine if and how a DVS will release documents. The table also identifies the form letter(s) in Appendix G to use to request documents)

(For a listing of the provincial Vital Statistics Offices and their addresses, see Appendix E or CIDM's Doc # 1133203 or <http://www.pptc.gc.ca/cdn/cert.aspx?lang=eng>.)

Once all available documentation is received from DVS, you will be able to evaluate your research findings.

N.B. Documentation provided to the Adoption Unit by a DVS is received in confidence and is exempt from disclosure under the *Privacy Act*. The documentation and its contents cannot be released to anyone including officers of the Entitlement Unit.

Evaluate Your Research Findings

Evaluate your research findings in relation to the provisions of the *Indian Act*. Refer to the present and past *Acts* when necessary. Determine whether all documentation required to establish relationships and dates of events has been received. If it is found that the applicant had an entitlement through both the natural and adoptive parents, the stronger section 6 entitlement will be given. If the birth and/or adoptive parents are associated with a different band/group, the choice is given to the adult adoptee or the adoptive parents of a minor to decide which band/group to register the adoptee in. At this point, you should prepare a detail sheet, (see next page), and the decision letters.

Prepare a Detail Sheet

A detail sheet is a summary of information received from various sources. It contains the natural and adoptive information on the adoptee, as well as the rationale for entitlement or non-entitlement to Indian status. This form should be included when referring all cases (e.g. denials, band choice) to a peer or the manager for signature.

DETAIL SHEET

f. RA6005-2/adoption file number

TYPE OF ADOPTION

Person adopted by Non-Indians (over 18)

NAME

Karen Vaillancourt
born on January 25, 1964

PARENTS

Joan Vaillancourt and Andre Vallee

Social Services of Alberta have confirmed in their letter that the birth mother is Joan Vaillancourt, born on March 6, 1943, French Canadian, the daughter of Arthur and Jane Vaillancourt. The birth father is Andre Vallee, born February 18, 1942, French Canadian. The parents were both single at the time of Karen's birth.

According to our records, Joan Vaillancourt, born on March 6, 1943 is registered under No. 410 Bear Band in accordance with section 6(1)(a) of the *Indian Act*. Karen is entitled to be registered under section 6(1)(a) based on section 11(1)(e) of the former Act. Andre Vallee is not registered nor has he applied for registration as an Indian.

ADOPTIVE PARENTS

George and Bessy Wooly, non-Indians

ADOPTION DATE

May 30, 1970

ADOPTIVE NAME

Karen Wooly

Section 6(1)(a) based on section 11(1)(e) of the former Act
Indian Register only,
Bear Registry Group (481)
Off-Reserve - Sask.

Prepare Draft Letters to the Applicant and/or Social Services

Prepare letters to the applicant and/or the social service agency. Also prepare a letter to the local reporting office responsible for the registry program if a registration is being authorized.

***The Letter of Authority* (Form 1) (See Appendix G)**

The letter of authority is the legal document which explains the basis for a decision to add to, delete from, or otherwise amend, the Indian Register.

Use the following letter format when an adoptee is being registered as an Indian.

Introductory Section

File No:

Complete the file number (R6000-Band Code) to identify where the registration letter will be placed. A blind copy will be placed on the appropriate adoption file with all correspondence and documentation received.

Date of Application:

- normally you will enter the date of the request for registration received from an individual who has the legal authority to apply on behalf of the adoptee/child in care.
- if the initial request is received from someone who does not have the legal authority to apply on behalf of the adoptee for example, a lawyer, sibling, or band official, the letter of acknowledgement prepared by the Adoption Support Clerk will ask for a written statement from the adult adoptee, adoptive parents of a minor. The date of this written statement will then be considered the date of application.
- if the letter of acknowledgement neglected to ask for the consent of the adult adoptee or adoptive parents of a minor to register, you will ask for this in the Form 4 that you prepare, and once received, we will accept the date of the initial request from the unauthorized party as the date of application.
- in the case of children whose adoptions are being arranged by private adoption agencies or licensees, the date of application will be the date of the request to register the child received from the legal guardians (requested in your Form 6).
- if a request to register is received from Social Services on behalf of a child in their care and the adoption is finalized before a decision on the child's entitlement is made, you will ask for the written request of the adoptive parents to register. Once this is received, you will enter the date of application as the date of the initial request for registration from Social Services since, at that time, they had the legal authority to apply.

- if notification is received from Social Services or the courts that a minor child has been adopted by non-Indian adoptive parents and the address of the non-Indian parents is unobtainable, since the child's name will be placed on the A-List, we can proceed to register without the written request of the adoptive parents.

- if an application is being **transferred from the Entitlement Unit** because, subsequent to the original request, the applicant has advised that he/she was adopted through the courts or by Indian custom, the date of application will be the date of the initial request for registration if the adoption took place previous to that date. If the adoption took place after the date of the initial request for registration, the date of application will be the date of the applicant's letter advising us of the adoption.

Date of Receipt: Enter the date that the request for registration was received.

Address: Enter the address of the departmental or band office responsible for the band with which the applicant will be affiliated.

Registration Particulars

Name: Enter the name of the registrant (birth name, if adoptee under eighteen and adopted by non-Indians, adoptive or married name in all other cases)

Date of Birth: Enter the date of birth of the registrant

Entitlement to Registration: Enter the section under which the person is entitled to be registered. Also enter the appropriate statement(s) from the glossary to support the registration.

If the registration is under section 6(1)(a), two or three statements will normally be required. First, select (a) or (b). Then, select the appropriate statement(s) from (m) through (r).

If the registration is under section 6(1)(c) through 6(1)(e), a single selection from items (c) through (l) will normally be sufficient.

If the registration is under sections 6(1)(f) or 6(2), select the appropriate items from (m) through (r).

NOTE: At first glance, menu items (m) through (r) may seem complex. The officer should, however, focus quickly on the correct selection by considering basic questions such as whether the entitlement arises from the natural or adoptive parents, whether one or both parents are Indians and whether the Indian parent(s) is or are actually registered.

Name added to
Register:

Enter the birth, adoptive or married name of the person as it appears on the birth registration/adoption order/or any other documentation that was used to establish eligibility for registration.

Entitlement to
Membership:

Complete if the registrant is being added to a departmental band list.

Minor Children

Name, etc.

Enter the name of the minor child of the applicant, the date of birth and the name(s) of the parents.

Mother/Father:

Enter the particulars on the other parent, if Indian or non-Indian. e.g. if non-Indian: Father John Doe is a non-Indian.

Children entitled
to Registration:

Enter the section under which the child is entitled to be registered.

Entitlement to
Membership:

Complete if the registrant is being added to a departmental band list.

Copies

A copy of the registration letter is to be sent to the Manager of Indian Registration in the Regional Office of INAC in which the registrant's band or registry group is located.

The Letter of Confirmation (Form 2) See (Appendix G)

This letter format is to be used to confirm registration to adoptees, adoptive parents or to provincial or territorial child care agencies which have inquired on behalf of a child-in-care. If inquiry originated from Social Services, consult the table on page 51 to confirm whether letter can be sent directly to adoptive parents. Note that in the case of a minor, a written request from the child's legal guardians is required to register. If the adoptee is age 18 or turns 18 during the processing of his/her application, a written request from the adoptee is required to register.

Introductory Section

File No.

Complete the file number RA6005-2/adoption file number from adoptee's record in the Adoption Module to identify where the confirmation letter will be placed. (See Appendix J).

Date of Application: Enter the date that the request for registration was originally sent to the department, if not included in the Introductory Paragraph. Do not include if person is already registered.

Date of Receipt: Enter the date that the request for registration was originally received.

Introductory Paragraph

Indicate whether you are acknowledging receipt of an Application for Registration under the *Indian Act* or a piece of correspondence. For a new registration, always indicate the date of application and date of receipt. If acknowledging receipt of a letter, indicate the nature of the request.

Second Paragraph

This paragraph confirms the registration of the adoptee and may also confirm band membership.

The wording "I can confirm that _____ is registered" is to be used where it has been determined that the adoptee is already registered under the natural or adoptive identity. Never confirm the natural identity when writing to an adoptee or adoptive parents. If a new registration is being confirmed, always specify the sections of the *Indian Act* under which the adoptee is entitled.

Include spaces for the insertion of the Registry No. when confirming new registrations. The Registry No. should be included if the adoptee is already registered under the adoptive identity or if the adoptee is already registered under the natural identity and you are now re-registering under the adoptive identity.

If the adoptee is a minor adopted by non-Indians, the following would apply when writing to the adoptee or adoptive parents:

Register Only - Confirm the adoptee is registered as an Indian in a Registry Group in the Yukon Territory/ Northwest Territories/or Province of _____.

Band List held in Department - Confirm adoptee is a member of an Indian band in the Yukon Territory/Northwest Territories/or Province of _____.

The last sentence of the second paragraph referring to the "A" List should only be included in letters addressed to Social Services or adoptive parents concerning minors adopted by non-Indians.

Paragraph P

The protest paragraph is to be used in all confirmation letters advising of a new registration. It is not to be included in cases where the adoptee is already registered under a natural or adoptive identity. Use the first option when writing to the adoptee or

adoptive parents. The second option is to be included when writing to social services.

Paragraph C

This paragraph is never included in letters to adoptees or adoptive parents where the adoptee is a minor adopted by non-Indians. Option 1 of this paragraph is used when the adoptee is being registered for the first time after the band has already assumed control of its membership under Section 10 of the *Indian Act*. Option 2 is used when the adoptee's registration (under the birth or adoptive identity) is prior to the date the band assumed control of its membership.

Paragraph D (info only)

- First Option - to be used when it has been confirmed that there are no funds held in trust and no treaty for:
- adults and minors transferring off "A" List
 - registered individuals age 18 and older whose adoptions are only now being recorded.
- Second Option - to be used:
- if there are funds held in trust and/or treaty monies for adults transferring off "A" List
 - if there are funds held in trust in the amount of \$250 or less for minors transferring off "A" List and for persons registered under natural identities who are 18 years of age (but not the age of majority in place of residence) whose adoptions are now being recorded.
- Third Option - to be used where it has been confirmed that there are no funds held in trust but there are treaty monies owing for:
- minors transferring off "A" List
 - registered individuals age 18 but not the age of majority whose adoptions are only now being recorded.
- Fourth Option - to be used for registered individuals over the age of majority whose adoptions are now being recorded.
- Fifth Option - to be used when funds held in trust are greater than \$250 for minors transferring off "A" List and for registered individuals age 18 (but not age of majority in place of residence) whose adoptions are now being recorded.

Paragraph E & F

These paragraphs are to be used whenever the adoptee is 18 years of age or older and in the case of persons adopted by Indians when age 13 or older.

Paragraph F should be used alone for adoptees under age 13 who are adopted by

Indians.

Paragraph G

Include this paragraph in letters concerning minors adopted by non-Indians. Complete a "TO WHOM IT MAY CONCERN" letter (Form 11).

Paragraph H

Use this paragraph when the adoptee is residing in Canada.

If confirming a new registration, the Health Canada address, or in the case of the NWT or Nunavut, the address of Health and Social Services of the Government of these territories. Territory will appear as a c.c. at the bottom of the letter except when the adoptee is a minor adopted by non-Indians or when the province of residence is M.B. or B.C. (M.B. or B.C. Medical Services no longer requires copies of our confirmation letters.) For the **NWT** and **Nunavut**, two additional c.c.s are included - a c.c. to the Registration Specialist in Inuvik and to the Regional Manager NWT/Nunavut in Ottawa. If the new registration concerns a minor adopted by non-Indians or if responding to a request for a Registry No./ status card for an adoptee who is already registered on an "A" List, or if the registrant resides in B.C. provide the full address for Health Canada/NWT or Nunavut Health and Social Services in the body of the paragraph. (See Appendix F or CIDM's Doc # 1133183 or <http://www.hc-sc.gc.ca/home-accueil/contact/fnih-spni/rd-dr-eng.php>.)

Copies

When confirming a new registration for a minor adopted by non-Indians, these letters will not be copied to Health Canada/NWT or Nunavut Health and Social Services.

All other types of letters confirming new registrations may be copied to Health Canada/NWT and Nunavut Health and Social Services. If the registrant lives in the NWT or Nunavut, copies are sent to Health and Social Services of either the Government of the NWT or the Government of Nunavut and copies are sent to the Registration Specialist in Inuvik and the Regional Manager NWT/Nunavut in Ottawa. If the registrant resides in MB or BC, it should be noted that MB or BC Medical Services Branch no longer requires copies of our confirmation letters as their offices have view-only access to the Client Services Module.

The word "Protected B" should be added on top of the letter when writing to the adoptive parents of a minor child who has been placed on the "A" List.

PROVINCE OR TERRITORY	SHOULD CONFIRMATION CORRESPONDENCE GO DIRECTLY TO ADOPTIVE PARENTS?
British Columbia	YES Confirmed by Glenna Enns, May 10/90.
Alberta	YES Confirmed by Marion Friesen Nov. 8/90.
Saskatchewan	YES Only upon receipt of Form M from Registrar of the Court, send copy to Mr. Andres. Otherwise send a Form 8 to Mr. Andres only and enclose a Form 2 for him to forward to the adoptive parents. Confirmed by Mr. Andres letter dated Dec. 18/90.
Manitoba	NO We CANNOT correspond directly with adoptive parents if they have not made contact with us (Oct. 31/90). Send a Form 8 to Social Services and enclose a Form 2 to be forwarded to the adoptive parents. We can write to the C & FS Agency that notifies us of adoption.
Ontario	YES Confirmed by Janice Oct. 31/90. If we do not have the address send a Form 8 to Social Services and enclose a Form 2 to be forwarded to adoptive parents.
Quebec	N/A
New Brunswick	YES It would alleviate a step for Social Services. Confirmed by Normande Boudreau Dec. 4/90.
Nova Scotia	YES Confirmed by Judy Jackson Dec. 6/90.
Prince Edward Island	Send a Form 8 to Social Services and enclose a Form 2 to be forwarded to adoptive parents.
Yukon	If adoptee is under 18, Social Services only should communicate with the adoptive parents. If over 18, we may write directly to the adoptive parents. Confirmed by Maxine Kehoe Dec. 4/90.
Northwest Territories	YES Confirmed by Mary Beauchamp Nov. 20/90. She will try to provide the address whenever possible.

Letter of Denial

When an officer has determined that an applicant is not entitled to registration as an Indian, a letter must be sent to the individual or his/her agent clearly stating the reasons for the denial. This letter must also advise the applicant of his/her right to protest.

Submit Completed File to Peer/Manager for Approval

Submit the letter(s) in final form, along with the detail sheet, application and research materials, to peer and if necessary, to Manager for approval.

NOTE: Whenever an action is taken on a file, enter the appropriate changes to the electronic file in the Adoption module and copy an update for the file.

The following standards have been agreed upon for files presented for signature/peer review and for those files retained at officers' work stations.

1. Correspondence, etc.

- all incoming and outgoing correspondence, records of telephone conversations and e-mail are to be placed on the file spike in chronological order. Envelopes and enclosures are to be stapled to the incoming correspondence. If a piece of correspondence is more than one page, the pages are to be stapled together.
- important documentation is to be flagged with post-its to assist the officers and reviewers.
- memoranda recording the content of any telephone conversations with applicants and others pertaining to the file are to be placed on the file as this forms part of the permanent record. The memoranda must be signed and dated with the year included. No personal comments not relevant to the processing of the file are to be included.
- e-mail messages received related to a file are to be copied for the file along with the replies.

2. Research

- current Client Services, Entitlement and Adoption Module pages are to be included and outdated versions discarded if not relevant to the file. Clearly indicate the relationship to the applicant of individuals whose Client Service Module or black register pages are included. These individuals should also be added to the family tree.
- all pertinent correspondence and documentation from other files are to be added to the file being processing as each file must stand on its own. Ensure that the source of all correspondence and documents is marked e.g. from File A1234 - John Smith, applicant's brother. Do not include extraneous information e.g. if applicant has three brothers whose entitlement was established in the exact same manner, include information from one brother's file, not all three.
- relevant correspondence and documentation from related files should be photocopied as files are to be returned to the Records Room on the same day

unless they have been charged out.

3. Checklist

- a checklist is to be completed for every file processed. Indicate on the checklist all the names, dates of birth and bands searched in the Enquiries Module; Register, File and Adoption Enquiries, etc. If the paylists have been searched unsuccessfully, indicate which bands, names with variations, and dates. It is not necessary to print copies of your system searches to add to the file.

4. Detail Sheet and Family Tree

- a detail sheet and a family tree are to be completed for every file. The detail sheet must indicate the rationale for the decision and also the basis for the identification of parents and other ancestors. In the case of custom adoption, the detail sheet should summarize all the evidence received.

5. Letters for Signature

- the introductory paragraph of the letter of confirmation (Form 2) is to refer to the most recent piece of correspondence between the applicant and the Unit. Indicate the Date of Application and Date of Receipt at the top right hand corner of the letter.
- small stickies are to be placed on the letters where registry numbers are to be inserted.
- files submitted for signature containing a Form 16 or 17 - requests for documents from Vital Statistics - are to contain a note to file specifying exactly what document will be requested and including all variations of names and spellings.
- when typing dates in your correspondence, do not include a "0" before a single-digit day. For example, write January 1, 1998 not January 01, 1998.
- the letters for signature are to be placed loosely in the file inside the flaps of the appropriate envelopes. The booklet, *You Wanted to Know*, is to be inserted inside the large envelope in which the small envelope containing the letter of confirmation will be placed at the time of mail-out (Form 2).
- c.c.s of the registration letters going to the Regional Managers of Indian Registration are always to be placed in envelopes. The envelope may be partially addressed with a sticky placed on the envelope indicating that it should go with the bulk mail.
- when typing envelopes or labels for envelopes, the line in the address to a First Nation indicating **Attention: (name of Indian Registry Administrator)**, is to follow the line indicating the name of the First Nation. It should be in bold type and underlined.

6. The Adoption File Record

- the Adoption File record is to be stapled to the left inside cover of the file with the appropriate coding instructions.

7. Routing Slip

- the appropriate routing slip is to be stapled to the top of the front file cover. Fill in the date the file is passed to the Manager/your peer for review, followed by your initials. The Routing Slips can be found in CIDM's Doc. #1133533.

8. Peer Verification

- files received for peer verification are to be reviewed within five days of receipt. If the file is a priority it is to be reviewed within 24 hours.
- revisions are to be made with a red ink pen and there should be either a written or verbal explanation to the originating officer for the suggested changes.

DRAFT

Chart of Adoption Entitlement Process
(See next page)

DRAFT

Review incoming inquiry and begin family tree

Conduct IRS searches based on info provided

Is request from adoptee or parents?

Yes

No

Is Adoption Order included and consent to Social Services?

Request consent of adoptee/parents and consent to Social Services.

No

Yes

Received

Request (FORM 3)

Received

Write to appropriate prov/terr Social Services for info/doc on adoptees ancestry -advise applicant this has been done (FORMS 5 & 4)

Info/doc received

No

Conduct research to establish if natal parent(s) & adoptive parent(s) regd or entd - complete family tree, research checklist, detail sheet

Is adoptee entd thru at least one set of parents?

Is further info/doc needed?

No

Yes

Reply received and further research conducted

Write to DVS (FORMS 12, 13,16,17,24) or to Social Services

So00056

Priorities

Applications which are designated educational, medical, age, request for ancestral letter (blood quantum) or ministerial priorities, and new correspondence received in the Unit concerning applicants whose applications have been completed, or last worked on, by officers who have left the Adoption Unit are assigned on a rotational basis to the officers of the Unit as they require a more immediate treatment. Certain children in care inquiries (described below) are also granted a priority treatment and will be assigned on a rotational basis to the officers of the Unit. The officer assigned should integrate these files with their existing priority workload.

Children-In-Care

The term "children-in-care" refers to children who have been relinquished into the care of, or apprehended by, provincial or territorial Social Services authorities on a temporary or permanent basis.

The Non-Insured Health Benefits (NIHB) Program of Health Canada provides to registered Indians and recognized Inuit and Innu living in Canada, a limited range of goods and services if they are not available through other private, federal, provincial or territorial insurance plans and all eligibility criteria is met. One exception to this is children who are in the care of child welfare authorities.

Children in the care of a child welfare authority are excluded from receiving NIHB benefits until they are no longer in care. This is based on the NIHB Co-ordination of Benefit Policy which is in place to ensure that NIHB will not provide or pay for health services for Inuit and registered Indians where such services are available to provincial or territorial residents under other federal, provincial or territorial health plans or other programs. For children in care of a First Nations Child and Family Service (FNCFS) agency or other established child welfare authority, the child welfare authority is to access all established alternative programs to which the child has an established eligibility which would include provincial programs.

In British Columbia, Ontario, Manitoba and the USA, the legislation requires that before a child can be placed for adoption, the child's band must be notified if the child is entitled to be registered as an Indian. The band has the right to get involved in the adoption planning of the child. In the Province of Alberta, a decision on eligibility to Indian status must be made prior to going to the courts.

The Adoption Unit will process requests for the verification of entitlement to Indian status of children-in-care referred by a provincial, territorial or U.S. Social Services office only if it is indicated that adoption is in the child's immediate future or if there is a request that the registration be handled confidentially. If there is no indication that adoption planning has begun, the letter should be returned to the Social Services office with the instruction to address their inquiry to the appropriate Regional Office of INAC. If Social Services is applying for registration of the child and no mention is made of adoption nor is it indicated that the registration should be handled confidentially, the application should be transferred to the Entitlement Unit.

All requests for confirmation of the entitlement to registration under the *Indian Act* of children in care which originate from Nadia Zubach, Special Needs Planner, Adoption Services Centre, West Edmonton or from Anne Scully, Program Supervisor, Adoption Services, Centre West, Edmonton, require priority processing by the Adoption Unit as that office alone is responsible for the Alberta adoption program. (Refer to Forms 6 to 10 in Appendix G) See the chart on the next page for an overview of the children-in-care entitlement process.

Placement Notices received from Manitoba Social Services will continue to be handled by the Adoption Unit as the children have been placed for adoption.

Chart of Entitlement Process - Children in Care

Flow

(See next page)

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Foster Care Individuals

Occasionally, you will be asked to determine the entitlement to registration of individuals who were in foster care. The individuals may or may not possess a copy of their birth registration with the names of the parents and may have no information to provide on their ancestry. Consult the chart on the following page to advise the individual whether their birth record can be released to them by Social Services/ Division of Vital Statistics. If the document is not available to the individual, or if once received, the information is insufficient to determine entitlement, the application should be handled in the Adoption Unit and Social Services/DVS should be approached for additional information or documentation. If foster care individuals know their family background and can supply a copy of their birth registration, the application can be transferred to the Entitlement Unit for processing.

If a request for registration originates from a social services worker on behalf of a minor placed in foster care, clarify who has the legal authority to request registration on behalf of the child as the legal guardian(s).

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Province or Territory	Foster Care Children Release of Documents
British Columbia	If over the age of 18 and the parents have not signed a form to keep their identity confidential, DVS will release the long form birth registration to the individual.
Alberta	A foster person can write to the <u>Post Adoption Registry</u> and the Registry will write to DVS for the birth registration on their behalf. They will not give the names of the parents. Fee \$15 to the foster care person. Confirmed by Wendy Dec. 3/90.
Saskatchewan	Must contact Social Services if they do not know the parents names. Social Services will contact the parents to see if they wish their names released. If they do not, Social Services will have DVS do a search for the document on behalf of the foster person and forward it to this office. There is no charge for this. Confirmed by Mr. Andres Dec. 3/90.
Manitoba	Donna Dickson has advised that a person who has been in foster care can get a birth document directly from DVS. If the person does not know the names of the parents he/she should contact the agency involved in the placement or the agency nearest to where he/she lives and they will TELL the individual who his/her parents are.
Ontario	If 18 years of age or older, the extended birth registration can be obtained from DVS.
Quebec	N/A
New Brunswick	If the parents names are unknown, the individual should contact Social Services.
Nova Scotia	Social Services will provide the names of the parents so the foster person can write to DVS to obtain a copy of the long form birth registration.
Prince Edward Island	If they don't know the names of their parents, they should go through Social Services. Social Services will contact the parents to see if their names can be released. Otherwise, Social Services would obtain the long form birth registration on their behalf and forward it to this office. Virginia McEachern Dec. 4/90.
Yukon	A person who has been in foster care can have access to all information concerning his/her family.
Northwest Territories	Mary Beauchamp, Social Services stated June 26/90 that an individual can get the long form birth registration directly from DVS if 18 years of age or older. If the individual does not know the names of the parents, Social Services will tell them. There is no confidentiality maintained with respect to foster persons 18 years of age or older.

Post Adoption Registries

All provinces/territories operate adoption disclosure registries. The purpose of these registries is to provide intermediary reunion services to adult adoptees interested in personal contact with their birth families. All inquiries by departmental adoption officers should be directed to the social service contacts listed in Appendix B.

Pamphlets describing the post-adoption services are available for all provinces/territories, except Quebec, PEI and NWT. In NWT, the individual should contact Laura Comishen (Program Officer, Social Services). She will actively search for ancestors to unite the adoptee with his/her family. Laura has requested that we provide her address but not her telephone number to those making inquiries. (See Appendix B).

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Release of Identifying Information from Social Services to Bands/Adoptees/Adoptive Parents

Bands controlling their own band membership under section 10 of the *Indian Act* have been reluctant to grant band membership to persons adopted by non-Indians, unless their Indian ancestry can be verified. It is understandable that bands would hesitate to accept individuals as band members without information enabling them to establish that the individuals qualify under their band membership rules.

As you know, arrangements are in place with the various provincial and territorial Ministries of Social Services, so that identifying information on the natural ancestry of the adoptee is released to the Indian Registrar for the purpose of establishing eligibility for registration as Indian. The Ministries were asked by letter dated May 29, 1991 whether they would be agreeable to setting up similar arrangements with Indian bands. A brief summary of their responses appears on the table below:

Province or Territory	Release of Identifying Information from Social Services to Bands/Adoptees/Adoptive Parents
Nova Scotia	The current policy of the Nova Scotia Department of Community Services do not permit the release of identifying information to adoptive parents/adoptees or band clerks without the consent of the party/parties being identified.
New Brunswick	Section 11(2) of the New Brunswick Family Services Act permits the release of identifying information to INAC i.e. a Minister of the Crown or his servant. Indian bands would not fall into this category. In order to release identifying information to the adoptee/ adoptive parent/band, the consent of both birth parents is needed.
Prince Edward Island	The PEI Department of Health and Social Services advised that their legislation presently does not permit the release of identifying information. A new Adoption Act has been tabled which would allow for an official disclosure registry. Adult adoptees would be able to request a search for birth parents and identifying information could be released, providing there is consent from the adoptees and the birth parents.
Newfoundland	Adult adoptees may apply to the Department of Social Services, Government of Newfoundland and Labrador for the release of identifying information, contingent on the birth parents giving permission for their identity to be released.
Quebec	In Quebec, the numerous Social Services Centres operate independently and according to their own interpretations of the legislation governing adoptions and the disclosure of adoption information.
Ontario	The Ontario Child and Family Services Act 1984 does not permit the release of identifying information to bands. In two cases information has been released to adoptees for the purpose of establishing eligibility under band membership rules. This was done under section 158(d) of the CFSA "health, safety and welfare" provision.
Manitoba	On the written request of an adult adoptee, Manitoba Social Services will share enough birth family information with the band to confirm band affiliation. This is only done for adult adoptees and when a band will not accept general verification of band affiliation from either Social Services or INAC.
Saskatchewan	Upon written notification from INAC initiated by the adoptee/adoptive parents, Saskatchewan Social Services is prepared to contact the parties concerned to obtain their consent for the release of identifying information to the band.
British Columbia	The new active adoptive reunion registry in British Columbia allows adult adoptees and birth parents to request active searches. Identifying information is released only with the consent of both parties.
Alberta, Yukon	No reply.

Appendices

- "A" Provincial/Territorial Adoption Legislation
- "B" Social Services Centres Addresses
- "C" Quebec Social Services Addresses
- "D" Children's Aid Societies of Ontario Addresses
- "E" Vital Statistics Addresses
- "F" Department of Health Regional Offices Addresses
- "G" Forms – Samples
- "H" Sample Letters
- "I" List of Departmental Research Sources
- "J" List of File References
- "K" Status Codes in the Adoption Correspondence Tracking System (ACTS)
- "L" Recording Procedures for Different Adoption Types
- "M" Addresses of Regional Managers Responsible for Trust Accounts (Appendix C in PM1 Manual)
- "N" SK Birth Registrations and MB Placement Notices
- "O" Letter dated May 29, 1991 regarding the eligibility of persons to be member of Indian Bands