

# NTL

Never Too Late for Family can assist you and your family with the legal adoption process by connecting you and the adoptee with volunteer lawyers to explain the application process, prepare your adoption application, and attend court with you, if required.



For more information or to get involved, contact:

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[www.adoption.ca/ntl](http://www.adoption.ca/ntl)

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ADOPTING  
FOSTER  
YOUTH  
AGED 18+

**NEVER**  
**TOO LATE FOR FAMILY**

# Never Too Late for Family (NTL)



**Q: Can I adopt someone who is over the age of 18?**

**A:** Yes! The Court may make an order for the adoption of a person who is 18 or older.

*Child, Youth and Family Services Act, 2017 (CYFSA)*  
s. 199(3)(a)

**Q: What are the benefits of adopting an adult?**

**A:** Here are just a few:

- The adoptee may receive a new birth certificate that reflects the name of their adoptive parent(s)
- The adoptee's inheritance rights are more secure and subsequent children (i.e. grandchildren)
- Confirm the permanency of the family unit and give the family a sense of completeness
- Fill the "parental gap"

**Q: How do I adopt an adult in Ontario?**

**A:** You must file a Court application in the Ontario Court of Justice or Unified Family Court, depending on where you and/or the adoptee resides.

*CYFSA* s. 203(1).

The required forms are available at  
[ontariocourtforms.on.ca/en/family-law-rules-forms/](http://ontariocourtforms.on.ca/en/family-law-rules-forms/)

## The Adoption Application Process.

**Q: What factors will the Court consider before granting an adoption?**

**A:** The Court will typically require affidavit evidence from the adoptive parent(s) and adoptee that shows:

- (1) The adoption would create an actual (not just legal) change in the relationship between the applicant and the proposed adoptee;
- (2) Both parties are aware of the legal incidents of adoption, and intend those incidents to govern their new relationship;
- (3) The application is motivated by the psychological and emotional need of the proposed adoptee for a new parent or for a parent to "fill the gap" in the parenting of the proposed adoptee; and,
- (4) The relationship between the applicant and the proposed adoptee would be "enhanced and strengthened" by the adoption order."

Re C.L.W., 2018 ONCJ 223, paragraph 66;

Re Adoption of M.O.M., 2013 ONSC 3252, paragraph 12.

The Court may also consider:

1. whether the interaction between the applicant and the proposed adoptee is materially and substantially a parent-and-child interaction, assessed not just subjectively by the two individuals at issue, but also from an objective perspective;
2. whether the parent-and-child relationship between the applicant and the proposed adoptee has any counterpart in any of the proposed adoptee's other relationships; in short, whether an adoption is merely adding a parent to the adult child's life or rather replacing a former parent;
3. whether the adoption will advertently or inadvertently defeat the legitimate claim of the proposed adoptee's existing parents under other legislation also enacted for the public good and
4. whether the application is made in good faith."

Re C.L.W., 2018 ONCJ 223, paragraph 67