

Ontario - Legislative Highlights

1799 – The ***Orphan’s Act***. This was the first child welfare law in Ontario and was designed to assist in the education and support of orphaned and abandoned children through legally binding apprenticeships for girls up to 18 and boys up to 21. Children were expected to work long hours to ‘earn their keep’.

1874 – The ***Charity Act*** – Voluntary organizations were encouraged to establish orphanages to help care for orphaned, abandoned, or destitute children.

1893 – The ***Act for the Prevention of Cruelty to and Better Protection of Children***, also referred to as the ***Children’s Protection Act of 1893***, required that towns within Ontario with populations of 10,000 or more have shelters or receiving homes that had the authority to apprehend children and provide temporary care for them. This fostered the development of children’s aid societies across the province.

1921 – The ***Children of Unmarried Parents Act*** provided protection services to ‘illegitimate’ children. This Act was passed in response to concerns regarding the number of children born out of wedlock and/or through extramarital relationships and the common belief that single mothers were unable to adequately care for children.

1921 – The ***Adoption Act*** authorized courts to issue an adoption order transferring all parental rights to the adopting parents after a probationary period of two years if all parties agreed. Prior to this time, adoptions were made legal only through passage of an individual bill in the Ontario legislature and were, therefore, extremely rare.

1927 – The ***Adoption Act*** was amended to seal Ontario’s adoption records. A register of adoption orders was established.

1954 – The ***Child Welfare Act*** established full provincial acceptance of responsibility for child welfare. It made children’s aid agencies accountable to the province, set up a provincial grants system and recognized the importance of the prevention services. The ***Adoption Act*** was repealed and adoption became a part of the new ***Child Welfare Act***.

1965 – The ***Child Welfare Act*** was amended to make reporting of child abuse mandatory and to place a two year limit on temporary wardship. Prevention was an important service goal.

1978 - The ***Child Welfare Act*** defined neglect, abuse, and the meaning of ‘a child in need of protection’. A voluntary adoption disclosure register was established. The ***Act*** included licensing of individuals and agencies to provide private adoption services.

1985 - The ***Child and Family Services Act, 1984(CFSA)*** replaced the ***Child Welfare Act***. In addition to the best interests of the child, the Act focused on the least disruptive or least restrictive course of action for children in need of protection. The Act also recognized that Indian and native people, wherever possible, should be entitled to provide their own child welfare services

2000 – The *Intercountry Adoption Act (IAA), 1998* implemented the *Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption* and authorized the Ontario government to license, regulate and monitor agencies facilitating international adoptions finalized in the child's country of origin. Intercountry adoptions finalized in Ontario continued to be governed by the *Child & Family Services Act*.

2005 - The *Adoption Information Disclosure Act* permitted adult adoptees to obtain original full name, birth certificate and the names of his/her birth parents. Birth parents could obtain the adoptee's adoptive name. Implemented in 2007, this *Act* was struck down by a court decision two days later.

2006 – The *Child and Family Services Statute Law Amendment Act* established the *Transformation Agenda* creating the Child Welfare Secretariat within the Ontario Government, and placing greater emphasis on early permanency planning, kinship care, differential response in responding to families requiring services, and involvement of birth family members through alternate dispute resolution processes.

2008 - *Access to Adoption Records Act, 2008 "An Act to amend the Vital Statistics Act in relation to adoption information and to make consequential amendments to the Child and Family Services Act"*. This Act allows for a *disclosure veto* to be used by adoptees and birth parents involved in adoptions completed prior to September 1, 2008, to prevent the release of their names.

2010 - The *British Home Child Day Act, 2010* established September 28 as British Home Child Day in Ontario in honour and recognition of the 70,000 British home children who were placed with families in Ontario in the late 19th and early 20th centuries.

2011 – The *Building Strong Families and Supporting Youth to be Successful Act* amended the *Child & Family Services Act* to 'make it easier for prospective parents to adopt a child, provide permanent homes for more Crown wards and better prepare youth for adulthood' (Source: Results-Based Plan Briefing Book, 2013-2014, Ontario Ministry of Children & Youth Services). Adoption planning can take place for Crown wards with access. Youth in care become eligible for support to age 18 or older under certain conditions. The Act provides for openness orders or openness agreements in adoption. Families who adopt siblings or children 10 years and over may receive subsidies from children's aid societies to help with the expenses of caring for their children.

Compiled by Patricia Fenton, MSW RSW, social worker and approved adoption practitioner. Ms. Fenton is one of the founders of the Adoption Council of Ontario, started in 1987, and served as its first Executive Director until 2007. She became an approved adoption practitioner in 1999. She worked at the Adoption Unit of the Ontario Ministry of Children & Youth Services from 2007 to 2012, serving as Adoption Officer for four years and then as Acting Director and Co-ordinator of Private and International Adoptions for one year before retiring to her private practice in adoption in 2012.