



STEP-PARENT ADOPTION
Section 23 Pursuant to *The Adoption Act, 1998*

(Sections of the *Act* are in **Bold**; Sections of The Adoption Regulations 2003 are in regular type)

Note: The Ministry of Social Services requires copies of the documents

Adoption law directs all materials for both types of adoptions must be served to the local Regional Director of the Ministry of Social Services at least 30 days prior to an application made to the Court of Queen's Bench to obtain an Order of Adoption. The Ministry of Social Services reviews the materials for compliance with the legal requirements.

Package Complete

| <input checked="" type="checkbox"/> | Requirements | <i>Act</i> | Regulations |
|-------------------------------------|---|---|-------------------------|
| <input type="checkbox"/> | Documents served on director where the applicants reside | 44(2)(a) and 23(4) | |
| <input type="checkbox"/> | Application for Adoption | 23 | Form A-2 3(b) |
| <input type="checkbox"/> | Statement of Fees | 16(13) | 52(1) and (2) |
| <input type="checkbox"/> | Notice of Fiat or Decision | 29.3(1) | Form H 10 |
| <input type="checkbox"/> | Particulars of Adoption | | Form L 13(f) |
| <input type="checkbox"/> | Information for the Registrar Pursuant to <i>The Indian Act (Canada)</i> | 29.3(3)(c); 29.3(4) | Form M 13(g) |
| <input type="checkbox"/> | Order of Adoption | 16(1) | Form I-2 11(b) |
| <input type="checkbox"/> | Certified Copy of the Child's Original Birth Registration (long form) | | 13(a) |
| <input type="checkbox"/> | Certified Copy of Marriage Registration or Certificate (long form preferred) | 16(2)(a) | |
| <input type="checkbox"/> | Divorce Decree if Applicable | | |
| <input type="checkbox"/> | Death Certificate if Applicable | 4(1)(a)(iv) | |
| <input type="checkbox"/> | Consent of Birth Parent who is the spouse of the applicant with affidavit of execution | 4(4)(a)(i)(A) or (B); 23(13) | Form C-3 5(1)(b)(ii) |
| <input type="checkbox"/> | Consent of non-custodial birth parent with affidavit of execution | 4(1)(a)(i)(A) or (B) 23(14) | Form C-2 5(1)(b)(i); |
| <input type="checkbox"/> | Certificate of Independent Advice | 4(4)(c)(ii) | Form G 9 |
| <input type="checkbox"/> | Dispensation Order: (Note: Amendments to <i>The Adoption Act, 1998</i> in 2004 include Section 5 (2.1) where notice to dispense and supporting materials must be provided to the director.) <input type="checkbox"/> Notice to director and supporting materials Appeal Period Expires _____ | 29.6(2)(a); 29.4(4) and 29.3(2)(b) 5(2.1) | |

| <input checked="" type="checkbox"/> | Regulation | <i>Act</i> | Regulation |
|-------------------------------------|--|--|-----------------------------------|
| <input type="checkbox"/> | Proof that notice of the application was served on the other parent Note: signed consent of the birth parent who is not the spouse of the applicant can be considered as notice of the application | 23(2); 5(2.1) or 5(2.2) 23(3) | 13(d) |
| <input type="checkbox"/> | Consent of a child who is 12 years of age or more and acknowledgment with affidavit of execution | 7(5) 4(1)(b) | Form C-5 5(3), 13(h), 14(4) |
| <input type="checkbox"/> | Accompanying the Child's Consent is the Certificate of Independent Advice | 4(4)(b)(ii) | Form G 13(h); 14(3) |

Department (Director) Handled:

1. Ministry Records Check (completed by Social Services)
2. Registry Search for Revocation (Section 7 of *The Adoption Act, 1998*)
3. Issue Certificate of Non-Revocation (Section 7 of *The Adoption Act, 1998* – confirms no revocation has been received from a birth parent eligible to revoke the adoption plan)
4. Issue Acknowledgment of Application and Supporting Material for an Order of Adoption