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and Social Development and the Status of  
Persons with Disabilities**

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**Chair**

Ms. Candice Hoepfner



## Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities

Tuesday, December 14, 2010

•(0850)

[English]

**The Chair (Ms. Candice Hoepfner (Portage—Lisgar, CPC)):** Good morning, everyone.

I'd like to call this meeting to order, meeting number 40 of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, further to our study on the federal support measures to adoptive parents.

We are very pleased to have officials from four different departments with us this morning.

Ladies and gentlemen, you may have been following along some of our study. We've been looking at adoption. As we've been studying it and speaking to witnesses, a number of questions have come up that would pertain to your different departments. We wanted to invite you here today, not necessarily to bring us a statement but just really to answer our questions.

I do understand that there is one statement by Mr. Sarazin from CRA. I also want to introduce the other departments. We have representatives from the Canadian Revenue Agency, Department of Citizenship and Immigration, Department of Human Resources and Skills Development, and the Department of Indian Affairs and Northern Development.

Thank you all for being here.

We will begin with a brief statement by Mr. Sarazin, and then we'll go right into questions.

**Mr. Mickey Sarazin (Director General, Legislative Policy Directorate, Legislative Policy and Regulatory Affairs Branch, Canada Revenue Agency):** Good morning, Madam Chairperson, and thank you for the invitation to appear before you today.

My name is Mickey Sarazin. I'm a director general in the legislative policy directorate within the Canada Revenue Agency. I'm accompanied today by Nathalie Dumais, who is the director general of the individual returns processing directorate.

As we've tabled a longer version of the remarks for the committee's consideration, in the interest of time may I simply say that the CRA's mission is to administer tax benefits and related programs and to ensure compliance with tax laws on behalf of the governments across Canada.

In short, the CRA is responsible for administering the Income Tax Act as enacted by Parliament, and our comments today will be confined to the administration role.

The Department of Finance is responsible for policy direction and amendments to the Income Tax Act. We're prepared to discuss the adoption expense tax credit today contained within the Income Tax Act. And we would note that once a child is adopted, parents are entitled to claim all the other benefits that are available to all taxpayers with respect to children.

We're prepared to answer any and all questions this morning.

**The Chair:** We will begin with questions. I think what we'll do—we have a good amount of time—is have a seven-minute round. Then, if any of the members would like to share it with their colleagues, that's fine.

We'll begin with the Liberals. Mr. Savage, please.

**Mr. Michael Savage (Dartmouth—Cole Harbour, Lib.):** Thank you very much, Madam Chair.

Thank you to the witnesses for coming.

This has turned into a very interesting piece of work that we've undertaken here. I hope some of you have had the chance to be following some of the testimony we've been receiving.

There are a whole number of questions that have come up about Canada's, specifically the federal government's, role in adoption. Some interesting points have come up. I want to get a sense of whether any work has been done by departments, not just in terms of what this committee's been hearing but about adoption overall in the last few years.

One of the issues that comes up a lot, and this would be for Mr. Paquette, perhaps, from Human Resources and Skills Development, is the whole issue of parental leave or adoptive leave in the EI system. One of the things that's come up is that it might make sense to have a whole new category instead of trying to emulate parental or adoptive leave. We might just want to have an adoptive leave, period, so that they would be equal, but it would be separate, as opposed to trying to gerrymander an existing system.

I wonder if you or your department have had a chance to have a look at that and any idea of what the implications might be.

**Mr. Jacques Paquette (Senior Assistant Deputy Minister, Income Security and Social Development Branch, Department of Human Resources and Skills Development):** If you don't mind, I will ask my colleague, Mr. Beauséjour, to answer all the questions dealing with EI.

**Mr. Savage:** He's practically a member of the committee anyway. We have great faith in Mr. Beauséjour.

How are you, Louis? You heard the question?

• (0855)

**Mr. Louis Beauséjour (Acting Associate Assistant Deputy Minister, Skills and Employment Branch, Department of Human Resources and Skills Development):** Yes.

There was no direct study done on adding a new leave. We've been seized by the demand. I think there's a lot of demand to create a new leave in EI.

As you know right now, the EI program provides 35 weeks of EI parental benefits to all, accessible to parents of biological kids but also to parents who adopt new kids. There are also 15 weeks for maternity leave, which is only for the mother who gives birth. It's really for the mother to go through the physical change that she has to face when she gives birth.

**Mr. Michael Savage:** This will, I suspect, be a recommendation that will come out of this committee.

Mr. Paquette, thank you for the information we received about the top ten annual adoption intakes into Canada. What strikes me first about this is that, for the first few years we have information on, Chinese adoptions accounted for well over half the total adoptions. In the last number of years, the number of adoptions from China has dropped considerably, while adoptions from other countries have risen. Is this a trend that will continue? What is this telling us?

**Mr. Rénaud Gilbert (Director General, International Region, Department of Citizenship and Immigration):** This is largely due to China itself. My last posting abroad was in China, and I dealt with a lot of adoption there. That trend started at least a decade ago. It has more to do with the number of children being put up for adoption in China than anything else. It's not a phenomenon unique to Canada—it is true of all adoption from different countries. Is it going to continue? It's hard to tell, actually.

**Mr. Michael Savage:** Certainly it's gone from over half to about one-quarter.

**Mr. Rénaud Gilbert:** When I was there about ten years ago, we were doing a thousand a year, and now I think it's more in the range of 500.

**Mr. Michael Savage:** I don't know who can answer this question, but if there's one thing that we've heard consistently it's that it's easier to adopt from abroad than it is to adopt interprovincially in Canada. Is anybody able to tell us why that might be, and whether there might be something we can do about it?

**Mr. Jacques Paquette:** Adoption is clearly a provincial jurisdiction. The issue is how the provinces are working together to address that issue. I understand that they have had some discussion. In fact, they even have a provincial-territorial protocol for children and families moving between provinces and territories.

There is some work being done to try to improve the situation, but there is no real role for the federal government, since this is clearly a provincial jurisdiction.

**Mr. Michael Savage:** We heard from somebody from the States who said that the Americans have developed an interstate arrangement that has increased the number of adoptions. I'm not looking to infringe on provincial jurisdiction, seriously. But I want to know if there's a way to improve matters. There are 30,000 children who would be considered adoption-ready. I just wonder if there's anything we should be looking at to alleviate what seems to be a problem in interprovincial adoptions.

**Mr. Jacques Paquette:** I think the solution resides with the provinces. In the protocol the provinces have agreed on, there's a section called "Adoption and Post-Adoption Services". I think part of this protocol was meant to facilitate the work between the provinces.

• (0900)

**Mr. Michael Savage:** We have somebody from CRA, correct? Mr. Sarazin, thank you.

You may not have time to answer this question. We've heard that the cost of adoptions, and the ability to get the tax write-off on costs, limits the number of people who adopt children with FASD and other problems. Has any work been done to look at what the costs might be if we were to increase the allowable deductions for adoptions?

**Mr. Mickey Sarazin:** No, the agency has not studied adoption. This is a question of tax policy that might be looked at by the Department of Finance, which would consider the amounts that are contained within the Income Tax Act. Those are the limits that will appear within our system. The reality is that if a family adopts, all they have to do is claim the credit on their tax return, and it gets processed. That's the extent of CRA involvement.

**Mr. Michael Savage:** Thank you, Chair.

**The Chair:** Thank you.

Mr. Lessard, please.

[*Translation*]

**Mr. Yves Lessard (Chambly—Borduas, BQ):** Thank you, Madam Chair.

Thank you for being here this morning to provide us with more information. We met most of you recently. In light of the testimony we heard, there might be some specific issues we could discuss, particularly regarding the special needs of adopted children.

When it comes to special needs, one situation that is often used as an example is fetal alcohol spectrum disorder. The people who testified often found they did not have much support, especially financial support.

There is a child disability tax credit. Can it apply to fetal alcohol spectrum disorder?

**Mr. Mickey Sarazin:** Under our tax system in Canada, if a physician can say that the child is ill and has a long-term illness, the existing benefits in the system are available for the child.

CRA and the Department of Finance do not determine whether the child has needs. We leave it up to a qualified physician to do that. Once that is done, all the benefits are available.

**Mr. Yves Lessard:** So that means that it is medically recognized as a disability in the child, because there are permanent consequences.

**Mr. Mickey Sarazin:** As far as we are concerned, there do not have to be permanent consequences. If the illness lasts a year, that is enough. Once again, it is up to the physician to determine whether the child has a chronic illness.

**Mr. Yves Lessard:** The effects of ethyl alcohol, for example, of alcoholism, can be considered the cause of a disability.

**Mr. Mickey Sarazin:** Exactly.

**Mr. Yves Lessard:** Some parents did not seem to be aware of this. Are there other tax measures that apply to adopted children?

**Mr. Mickey Sarazin:** As I said at the beginning of my comments, when a child is adopted, the family is entitled to all the family benefits. We have benefits, credits, deductions. There are a lot in each category. For example, child care expenses are deductible. There are credits for activities for children under 18; there are education credit transfers; there are family benefits for families with children and there are benefits of \$100 a month for every child under the age of 6. So there are a lot of deductions, benefits and credits.

● (0905)

**Mr. Yves Lessard:** Thank you.

I have a question for the representative of Indian and Northern Affairs Canada. How does your department get involved with the provinces in adoptions?

[English]

**Ms. Odette Johnston (Director, Social Programs Reform Directorate, Department of Indian Affairs and Northern Development):** In terms of the Department of Indian Affairs, what we do is provide funding to either first nations agencies or provinces to deliver child welfare services to recipients, to ordinarily residents on reserve.

We don't get involved in adoptions, per se. However, in 2007, as part of our authorities for the program, we revised the terms and conditions to allow for kinship care and post-adoption subsidies and supports. There are, just recently, provisions allowed for support to parents who adopt, for first nations on reserve.

[Translation]

**Mr. Yves Lessard:** I do not know who can answer the next question. With regard to the adoption process, what are we to make of the fact that someone who is adopted—a child born outside the country—does not acquire citizenship like the parent who already has it?

**Ms. Nicole Girard (Director, Legislation and Program Policy, Citizenship and Multiculturalism Branch, Department of Citizenship and Immigration):** Good morning. I am Nicole Girard from the Department of Citizenship and Immigration.

If I understand correctly, that question was raised by some witnesses about the potential future transmission of citizenship to children who are adopted abroad.

**Mr. Yves Lessard:** That is correct.

**Ms. Nicole Girard:** In fact, the current act gives equal treatment to children born abroad to Canadian parents and children who are adopted abroad by Canadians and acquire citizenship directly. As well, children born in Canada to Canadians and children who are born abroad to Canadian citizens and naturalized are treated equally with regard to transmission of citizenship.

This is as a result of two fairly recent changes to the Citizenship Act. In 2007, Bill C-14 gave parents who adopt children abroad direct access to citizenship. Previously, there was a two-step process. Parents first had to sponsor a child for him to obtain permanent residence in Canada and then apply for citizenship. In response to calls from parents for faster, more direct access to citizenship, the law was changed to allow parents to apply for citizenship directly, without having to go through the permanent residence stage. When the law changed for the second time more recently, on April 17, 2009, the changes imposed a first-generation limit on children born or adopted abroad, once again to minimize the difference in treatment between children born abroad to Canadians and children adopted abroad by Canadians who access citizenship through the direct route.

[English]

**The Chair:** We do have more questions on that. I do too, but I'll wait for the round to be finished and maybe ask some follow-up questions, because we did hear that is quite a problem.

We understand you're saying the laws have been changed, and now if someone adopts a child from abroad that child is able to pass on citizenship. Is that correct?

**Ms. Nicole Girard:** That's not quite right. What I was explaining was that the law changed, and when the first-generation limit on citizenship by descent was imposed on April 17, 2009, it continued to minimize the difference in treatment between children born abroad to Canadians and children adopted abroad by Canadians who access citizenship through the direct route. Those two groups are treated equally by the law in the sense that they're both impacted by the first-generation limit.

● (0910)

**The Chair:** Okay.

Yes, a very quick clarification.

[Translation]

**Mr. Yves Lessard:** So that we understand each other correctly, this is in the case of a biological child.

**Ms. Nicole Girard:** I am sorry, what is your question?

**Mr. Yves Lessard:** Your answer is open to interpretation. What about a Canadian citizen who brings his own child to Canada from abroad?

**Ms. Nicole Girard:** If the child is born abroad to a Canadian parent who was born or naturalized in Canada, the child is born Canadian, yes.

**Mr. Yves Lessard:** Yes. And why is that?

**Ms. Nicole Girard:** It is under the Citizenship Act.

**Mr. Yves Lessard:** I understand, but why? I will let someone else speak. Perhaps we need to think about that and ask ourselves why that is.

[English]

**The Chair:** All right, Mr. Lessard. Thank you. We got that clarification. That is one of the challenges we've heard about, but we'll probably discuss it further along.

Mr. Martin, you have seven minutes.

**Mr. Tony Martin (Sault Ste. Marie, NDP):** Thank you very much.

We had a presentation by Cindy Blackstock from the First Nations Child and Family Caring Society of Canada. She made a couple of statements that were quite challenging. One is that the number of aboriginal children in care or being adopted is actually more than the number of children who were in residential schools back in the 1960s, which indicates to me that we have a problem.

There are some successful pilot projects going on. One of them spoken about by her is the Yellowhead Tribal Services Agency. She is very excited about that. Apparently it's having a fair degree of success. Is INAC looking at expanding that or having further pilots across the country to see if that is something we might want to make the norm, as opposed to its just being a pilot project?

**Ms. Odette Johnston:** I would like to first clarify that in terms of the number of aboriginal kids in care, INAC is responsible only for those first nations on reserve. That's about 9,000 children that are in care.

What INAC has started to do, since 2007, is move towards an enhanced prevention-focused approach. We've done so incrementally, starting with Alberta. Then we did Nova Scotia, Saskatchewan, Quebec, P.E.I., and most recently Manitoba. With that focus on prevention, it supports the families to try to keep them together.

As I mentioned earlier, we also, in 2007, amended our terms and conditions to allow for post-adoption subsidies and supports. That is happening, in particular, in Alberta and Nova Scotia. Where we have legislation that supports that, they are being taken advantage of by the agencies to support families.

**Mr. Tony Martin:** Are you looking at and assessing the effectiveness of programs such as the Yellowhead Tribal Services Agency program?

**Ms. Odette Johnston:** We're not examining at this moment specific agencies. We did undergo an evaluation of the Alberta model for prevention. The results of that evaluation have not yet been released. They are expected to be released probably within the month. We didn't go into specific agencies to review. We looked overall at the approach we were utilizing, and we were seeing a decline in the numbers of children brought into care and the numbers of children remaining in families and accessing prevention services.

**Mr. Tony Martin:** Thank you.

My next question is with regard to families who came before us who said that there are often significant costs attached to adoption when children present with disabilities of various sorts, including, as we heard earlier, FASD. I'm wondering if these parents would be eligible for the disability tax credit and the child disability benefit if their children presented with, for example, FASD or other disabilities.

**Mr. Mickey Sarazin:** As I noted earlier, if the child is in fact disabled, either physically or mentally, for a prolonged period, which is considered a year, then with the medical practitioner's certification they are entitled to all of these benefits.

● (0915)

**Mr. Tony Martin:** What about the medical expense tax credit? Would that cover some of the costs associated with caring for a child with special needs?

**Mr. Mickey Sarazin:** Most definitely it would. Most medical expenses prescribed by physicians are eligible for the medical expenses tax credit.

**Mr. Tony Martin:** We spoke a few minutes ago about extending citizenship to the next generation of children. There was another issue raised by folks who were concerned about international adoptions. It concerned adoptions of older children that aren't successful and the ultimate possibility of deportation of these children back to situations that, the longer they're away, become, I would suggest, more difficult and challenging. Is that an issue or a situation being addressed or looked at in any way, shape, or form?

**Ms. Nicole Girard:** I'd like to make a couple of comments, and then I'll invite my colleague Mr. Gilbert to add.

We're not necessarily aware that there's any particular problem in that regard, but there are a couple of points I'd like to make. One is that adoptees can come through two routes: they can come as citizens, if they're granted citizenship through the direct route, or they can come as permanent residents. Once the child becomes a permanent resident, the parents can either immediately apply for citizenship for that child or wait until later. Or they may leave the choice up to the child when the child reaches adulthood. That may happen in circumstances when they come from a country where the country doesn't recognize dual citizenship, and they may lose their original citizenship. It could be done for a variety of reasons.

A child who comes as a citizen is not subject to deportation. They have citizenship for life. That's the first thing. The next thing is that a child who comes as a permanent resident, and for whatever reason the family doesn't take out citizenship immediately for that child and the child moves on to adulthood, is subject to the laws like everyone else.

The committee will want to be aware that a permanent resident can be subject to removal from Canada if there are issues of serious criminality. The threshold is an important one. We're not talking about shoplifting. Permanent residents can be subject to removal from Canada if they've committed an offence that would warrant a maximum of ten years imprisonment or if they've committed an offence for which they've served a term of at least six months in an institution.

**The Chair:** Thank you.

Now we'll go to Mr. Watson, please.

**Mr. Jeff Watson (Essex, CPC):** Thank you, Madam Chair.

Thank you to our officials for being here today.

The discussion around the table is sort of along two tracks. One, we're examining, in terms of federal supports and federal policies, what's there. The other question is what's not there. For those perceived gaps, if you will, in terms of the federal government's ability to support the provinces in delivering adoption, are there new mechanisms for support that need to be developed, or is it possible to expand existing mechanisms or definitions? I think the committee has expressed an appetite to have some of your input into both of those questions, not just evaluating what's there but some potential guidance in terms of what's not there. We'll potentially have to make some recommendation at the end of this.

With that in mind, in terms of context, I have a number of questions. I want to begin with Mr. Paquette. In response to questions from Mr. Savage about the national interstate compact in the United States, you referred to a protocol. I think you read from a document, even. For my benefit, at least, and the committee's benefit, what protocol are you referring to, and can it be tabled with the committee? What is it? You just read a portion of it.

**Mr. Jacques Paquette:** Sure. Yes, I can certainly leave a copy because that's a copy we got from the website of one of the provinces. It's a protocol called—I will read the title here—the “Provincial/Territorial Protocol on Children and Families Moving Between Provinces and Territories”. That was conciliated as of December 15, 2006. That is the copy I have. It covers several issues, but one section deals specifically with adoption and post-adoption services. I understand this protocol was signed by all provinces except Quebec, but Quebec supported the content of the protocol. The reference here is that I think the question was raised during the discussion you had with some of the witnesses. So there is already a tool in place, and what I was saying is that I think the issue is more for the provinces to see how they can improve their own tool.

• (0920)

**Mr. Jeff Watson:** That's an interesting perspective; some may disagree with you.

Are you familiar with the national interstate compact in the United States?

**Mr. Jacques Paquette:** Not in detail. What I would say is that the question is whether the American system is comparable to the federal Canadian system in terms of—

**Mr. Jeff Watson:** It may be in one important aspect, and that is that the states are responsible for delivering adoption, much as the provinces are, yet there's been an effort both between the federal government and the states, and among the states themselves with respect to the interstate compact. I was going to ask you to compare or contrast the two, but if you're not familiar with one, that may not be possible.

Moving to the question EI benefits, we're familiar with what exists. I think we're trying to give some consideration as to what could... Let me ask a question, first of all, with respect to parental benefits if you're adopting a child. They're available if you're

adopting an infant. Are they available if you're adopting an older child?

**Mr. Louis Beauséjour:** The EI Act does not provide any age limit.

**Mr. Jeff Watson:** No age limit.

**Mr. Louis Beauséjour:** If they are covered under the Adoption Act in each province, they could have access to the EI benefit for the five weeks.

**Mr. Jeff Watson:** In trying to decide if we were to recommend creating some sort of adoption leave, whether or not it's equivalent to maternity in the number of weeks—I suppose it doesn't necessarily have to be limited to that—we're trying to figure out where we would house this. Under part 1, presumably it would have to have a different section number. You couldn't house it with maternity or parental or other things like that, presumably.

Can anybody answer that type of question for us? Do we have to create a new section, if you will, to establish and define...?

**Mr. Louis Beauséjour:** If there were an intent to create a new benefit, I assume that we would create a new section, the same way as when we created the compassionate care benefit. We created a new separate benefit with its own duration and regulations that were associated with it.

**Mr. Jeff Watson:** Ms. Johnston, you were talking about amending the provisions to include post-adoption supports. Presumably that's a framework for all provinces, which could decide at some point in their own process to enact legislation or policy that would provide for post-adoption supports. Am I understanding that correctly?

**Ms. Odette Johnston:** Yes. Where provinces have it in their legislation, the recipients can pay adoptive parents for those types of supports.

**Mr. Jeff Watson:** So INAC does fund that if the provinces call for it?

**Ms. Odette Johnston:** Yes.

**Mr. Jeff Watson:** Is that through a special dedicated transfer, or is it just out of block funding?

**Ms. Odette Johnston:** It's part of the funding we provide to the agencies, and they in turn pay it to parents.

**Mr. Jeff Watson:** What funding mechanism do you use to fund these agencies? Does it have a policy number, or an act number, or something like that?

**Ms. Odette Johnston:** That I don't know specifically.

**Mr. Jeff Watson:** Okay, so there's no critical focus, if you will, or determination with any transfer to, say, move children from the child welfare system, with respect to on reserve, to an adoption situation. It's sort of a “these are here if you want them” kind of thing. There's no critical focus at the federal level, for example, to say with respect to on reserve, we're interested in seeing if we can move children from a child welfare system to a more permanent placement, like adoption, through that kind of mechanism.

**Ms. Odette Johnston:** I think I mentioned earlier that we were looking at enhanced prevention in a number of jurisdictions, but even for those where we haven't moved to enhanced prevention, we do have the authorities for those post-adoption subsidies and supports. We're always looking at the best interest of the child and trying to keep them within the family. I think that's in the legislation across the country.

• (0925)

**The Chair:** That's all your time, Mr. Watson. Thanks.

We're going to have a five-minute round, but before we do I had a couple of questions I wanted to ask. I wanted to follow up with Ms. Girard.

We heard testimony from a father. He and his wife had adopted a child internationally—I think he was from South Africa. Then very soon after they had a biological child, so he was able to really give us the comparison. He said, “I have two sons, and they are not equal. When they grow up one will be able to pass on his Canadian citizenship to his children; my other son will not be able to.”

To us in this committee who have heard that, there does appear to be a problem in terms of equality. When parents adopt a child, we would like to see them be able to experience equality.

I'm not sure if there's a solution to that, but maybe you can think about that, and at some point in this meeting you can let us know if you think there would be a solution to it that wouldn't have to involve changing our entire Immigration Act. That is something that is an issue for us.

Do you have anything in response, off the top of your head?

**Ms. Nicole Girard:** There are maybe just a couple of points I would like to make. That's one perspective on the issue, certainly. Those are concerns we are aware of at CIC.

The other thing to be aware of is that the law does provide for equal treatment, but it's an issue of who the comparator groups are. Currently the Citizenship Act looks at the comparator groups, as I was trying to explain earlier, perhaps not very clearly, in terms of treating those who were born in Canada and those who are naturalized in Canada equally, as far as their ability to pass on citizenship goes. If their future children are born abroad, they are citizens. The law also treats equally those who are born to Canadians abroad and those who are adopted abroad, who go through the direct route to citizenship.

Something else to be aware of is that adoptive parents, in many cases, have an option open to them, which Canadians living abroad do not. For Canadians living abroad, if the Canadian is born or naturalized in Canada, their child is born abroad as a citizen, and they're impacted by the first-generation limit. A parent living in Canada who's adopting internationally can choose either to apply to bring the child in as a permanent resident of Canada—so if the child is being naturalized through that route, the child would be able to pass on their citizenship—or to bring them through the direct route to citizenship, in which case they're impacted by the first-generation limit. That's not an option that's available to the parents whose children are born to them abroad, because they're citizens from birth, but they're impacted by the first-generation limit.

I'm not sure if that's a little bit clearer, but hopefully it provides a broader picture.

**Mr. Rénaud Gilbert:** If I can add, this is not really an adoption question, because there are a number of families who have natural-born children where some are born abroad and some in Canada. This is the case for many of my colleagues who work in the foreign service, for instance, who have children who can pass their citizenship to their children and others not. So it's not a question of adoption; it's a question of passing to a second generation.

**The Chair:** For clarification, I have one more very quick one for Mr. Paquette.

We heard testimony from a woman who talked about a program that she went to, I think it was in Toronto, and she thought it had been subsidized by a program through HRSDC. Are you aware of any program, any time in the last 10, 15 years, that did support adoption that was funded federally? I think that's something we're trying to get a grasp on as well, if there was any support at any time for adoption from the federal government. And again, if you need to get back to us that's fine.

**Mr. Jacques Paquette:** HRSDC has provided some funding for projects; some of them were related to adoptions. I think there's a significant difference between ongoing funding for an organization, for example, and some funding for a project. So I think there was a reference to a project that, if I recall, was three years long. We do some multi-year funding, but that was a specific project with a beginning and an end. That's probably what the person was referring to, I think, when she said that the funding was ceased, because the project was in our term completed, and then that was it.

• (0930)

**The Chair:** Okay, good. So it probably would be worth it for us to just take a look. Maybe you could provide for us what kinds of short-term projects were funded through the federal government, even in the last 15 or 20 years, if you're able to.

**Mr. Jacques Paquette:** Yes, we'll go back.

**The Chair:** Thank you very much.

Thanks to the committee for indulging me.

We have a five-minute round that we'll try to complete.

Mr. Savage.

**Mr. Michael Savage:** I'm going to have a question and then I think Mr. Garneau has a question.



One of the things we've heard both on the issue of international adoptions and adoptions within Canada is the issue of database information that's available to potential adoptive parents. In terms of international adoptions we've heard that some witnesses thought that a database with updated information on the requirements of each country, protocols, and that sort of thing either doesn't exist or it's not robust enough. And the other one is, within Canada a national database with information regarding the number of children available, how long they've been waiting, etc., where they are, what their other situations are—do they have siblings—that sort of stuff would be helpful if we had more of a database on both types of adoptions.

Perhaps I'd start with CIC and ask HRSDC if they had anything to say on that.

**Mr. François Weldon (Acting Director General, Social Policy, Strategic Policy and Research Branch, Department of Human Resources and Skills Development):** The department has funded the Child Welfare League to actually be able to begin to construct comparable data across the country, across the various adoption systems that exist across Canada. It's not specific to adoption-ready children, as you were alluding to, but there is, by virtue of the simple complexity of parameters around child welfare systems across the country, a fair bit of diversity across those jurisdictions. So what we have provided is some funding to a national agency that can start to build a system by which that data that exist at the provincial level can actually start to be populated in a comparable national database.

**Mr. Michael Savage:** Okay, I think that's fine for now. The fact that you're on that is helpful.

I'm going to let Mr. Garneau ask a question.

**Mr. Marc Garneau (Westmount—Ville-Marie, Lib.):** Thank you.

My question is for Madam Johnston and deals with child and family services, welfare services.

I understand some of the provinces use directive 20-1 and that some of the other provinces use the enhanced funding approach. I'd like to have your opinion on the benefits and drawbacks of each of those formulas and on which method has proven to be more successful in addressing funding in an equitable manner.

**Ms. Odette Johnston:** We have six provinces that have moved to the enhanced prevention-focused approach, and those include Alberta, Nova Scotia, Saskatchewan, Quebec, P.E.I., and Manitoba. Ontario is under the 1965 welfare agreement, so they don't use directive 20-1. They do provide some prevention services within that particular agreement.

That leaves British Columbia, New Brunswick, Newfoundland, and Yukon that still have to make the transition. In Newfoundland and the Yukon, the services are provided by the provincial governments and we reimburse them for actual expenditures for maintaining children in care.

Under the enhanced prevention-focused approach, we introduced three streams of funding: operations, prevention, and maintenance. We also provided some additional supports within each of those streams and then it's up to the recipients to manage within the funding.

With the six provinces we've already moved forward on, we're investing \$100 million of additional resources into first nations child welfare on reserve. We have reached about 68% of the first nations children on reserve through that approach.

• (0935)

**Mr. Marc Garneau:** Am I to conclude from what you've said that this enhanced funding approach is really supplanting or is a better approach than directive 20-1?

**Ms. Odette Johnston:** It does replace directive 20-1. Under directive 20-1 we provided operations and maintenance, or the cost, for maintaining children in care, and we base that on actual expenditures. But they couldn't move within the funding envelope.

**The Chair:** Thank you, Mr. Garneau.

Mr. Vellacott.

**Mr. Maurice Vellacott (Saskatoon—Wanuskewin, CPC):** Thank you very much, Madam Chair.

Nicole and Rénaud, if I could go back to the citizenship question again, I'll sketch a scenario. If a girl is adopted from China—so she then has Canadian citizenship—and she grows up and marries and has a child in the country, that child of that Chinese girl has Canadian citizenship, right? The child is born in Canada to that adopted Chinese girl.

**Mr. Rénaud Gilbert:** Any children born in Canada are Canadian.

**Mr. Maurice Vellacott:** Exactly. So then that adopted Chinese girl goes back to China and she is there for a period of time—a work program or something—and she has a child in China. The child of the adopted Chinese girl does not then have citizenship in Canada, correct?

**Mr. Rénaud Gilbert:** It depends on how she came to Canada. If an adopted child came through the immigration route—they came as a landed immigrant and therefore they are being naturalized after arriving in Canada—there is a second-generation possibility. If they are naturalized while they are abroad, they are in the same situation as any other Canadian who is born abroad.

**Mr. Maurice Vellacott:** I see. So it's the naturalized situation, whether in or out of the country, that then creates the difficulty. If they came in by the fast track, if you will, for their citizenship, then that stops at that adopted Chinese child and her children. So China now is kind of a limbo land, because China probably doesn't accept that child born to this adopted Chinese girl as a citizen either.

Would that be correct? That little baby does not have Canadian citizenship or Chinese citizenship.

**Ms. Nicole Girard:** There are a couple of other factors in the mix. One is that you can derive Canadian citizenship, from birth, from either of your parents. You have to consider the other parent in the mix. If the other parent in the mix was born or naturalized in Canada, then the child born abroad would be a Canadian citizen through their other parent.

If that's not the case—the other parent is a foreign national with no ties to Canada—then the option for the parents, if they're wanting to return to Canada to live, is to sponsor that child for immigration to Canada.

**Mr. Maurice Vellacott:** Right. I guess we have this difficulty in part because.... Remember the situation in Lebanon? There were a lot of concerns expressed at that point. “Citizenship of convenience” I think was a term that was used. Is it because of that? Is that why we have this issue of people having “citizenship of convenience”, or dual?

**Ms. Nicole Girard:** On the more precise history of the first-generation limit, the intent was to ensure that citizenship couldn't be transmitted to endless generations of Canadians living abroad. In terms of what was behind it, under the previous legislation, before it was changed, there was a connection test for those born abroad in the second generation and beyond. If you were in that situation, before your 28th birthday you were required to apply to retain your Canadian citizenship. The connection test was to demonstrate that you had lived for at least a year in Canada.

The people affected found those requirements problematic. They said they weren't aware of them or didn't understand them. They didn't file their applications on time. In some cases people were losing their citizenship by operation of law because they weren't filing applications in time and meeting the requirements.

That created problems for those people and for the department. The stakeholders asked the government to replace the connection test and those retention requirements with something that was simpler, clearer, and easier for people who were affected to understand. So the forward-looking connection test was replaced, when the law changed in 2009, by the first-generation limit.

**Mr. Maurice Vellacott:** On the Chinese gal who was adopted in Canada, has citizenship in Canada, goes abroad, has a child there, and the father is not naturalized or a Canadian citizen, what is the route for that child to obtain citizenship in Canada?

• (0940)

**Ms. Nicole Girard:** The parents have the option, if they're planning to return to Canada to live, of sponsoring the child for permanent residence in Canada. Once the child becomes a permanent resident in Canada there's no waiting period; they can immediately apply for citizenship.

**Mr. Maurice Vellacott:** Is it a quick process to sponsor that child for permanent residence in Canada? How long does it take?

**Ms. Nicole Girard:** Those cases are treated on a priority basis by the department.

**Mr. Maurice Vellacott:** Does it take a year?

**Mr. Régnald Gilbert:** It would probably take much less than a year. The sponsorship process currently takes about 40 days. After the submission of the application it would go. The first priority is for minor children and spouses.

[Translation]

**The Chair:** Ms. Beaudin, you have the floor.

**Mrs. Josée Beaudin (Saint-Lambert, BQ):** Thank you very much, Madam Chair.

At the risk of having you repeat what you said, I want to check some information. There is the regular immigration process and there is the direct route to citizenship. Bill C-14 facilitated the direct route to citizenship for parents who adopt a child. Is that correct?

I am going back to some of the testimony we heard from parents who were very happy with Bill C-14 in the end and are not opting for the direct route to citizenship.

What is the benefit of going through the regular immigration process? Is this the additional option that they have and that you referred to earlier?

**Mr. Régnald Gilbert:** There are two or three benefits to going through the immigration process.

**Mrs. Josée Beaudin:** Yes.

**Mr. Régnald Gilbert:** The potential benefits include the possibility of passing on citizenship to the second generation.

**Mrs. Josée Beaudin:** And there are all the others as well.

You say that the people who choose to go through the regular immigration process—to acquire citizenship through the regular process—can pass on their citizenship to any children they have or adopt abroad.

**Mr. Régnald Gilbert:** Yes.

**Mrs. Josée Beaudin:** I get the impression that many parents adopting a child take this route. They have told us they often have difficulty obtaining citizenship for their children once they are here.

**Mr. Régnald Gilbert:** There is no waiting period, as my colleague was saying. It is an issue of time because many requests are received, but there are no... When you say they have difficulty, I am not sure—

**Mrs. Josée Beaudin:** Do you have any statistics on the number of parents who adopt a child through regular channels?

**Mr. Régnald Gilbert:** Last year, in 2009, there were 2,100 foreign adoptions.

**Mrs. Josée Beaudin:** How many Canadian parents chose applying for citizenship over immigration?

**Mr. Régnald Gilbert:** There are 1,300 who chose citizenship. As far as immigration is concerned, it is not necessarily a choice. A number of people do not have a choice in part because they are permanent residents and can therefore not transfer citizenship. There are also certain countries that do not allow adoption in their country. The child therefore has to come to Canada and the adoption process has to be completed in Canada. This is true in quite a number of countries.

**Mrs. Josée Beaudin:** Parents seem to have difficulty obtaining citizenship at times. If they do not get it, they do not have the right of appeal. Is that correct? Can you elaborate on that?

**Mr. Régnald Gilbert:** I will come back to that again... Are you talking about the immigration process or citizenship?

**Mrs. Josée Beaudin:** The immigration process.

**Mr. Régnald Gilbert:** Under the immigration process, the right of appeal is automatic for all family class cases, including these cases.

**Mrs. Josée Beaudin:** Okay. And what happens in the case of citizenship?

**Mr. Régnald Gilbert:** In the case of citizenship, there is recourse to the Federal Court.

**Mrs. Josée Beaudin:** In how many cases or situations have children not received their citizenship and are facing possible deportation or difficulties?

**Mr. Régnald Gilbert:** As far as the refusal rate is concerned, I will have to send that information to you later, I do not have it on me.

**Mrs. Josée Beaudin:** I would appreciate that. Bill C-14 essentially makes it easier to acquire citizenship, but it is Bill C-35 that allows us to give our children our citizenship.

**Mr. Régnald Gilbert:** You mean Bill C-37. The first Bill C-37, because there is a second that is—

**Mrs. Josée Beaudin:** Still under review.

**Mr. Régnald Gilbert:** That would effectively amend—

**Mrs. Josée Beaudin:** In that case, would the children have the same legal status? Would children adopted abroad have the same legal status as children born in Canada?

**Ms. Nicole Girard:** No. The Bill C-37 under review will not change the equitable treatment between children adopted abroad who take the direct route to citizenship and children born to Canadians abroad.

**Mrs. Josée Beaudin:** That will not change, but as far as transferring citizenship is concerned, it is the same thing. They can transfer citizenship.

**Ms. Nicole Girard:** They cannot transfer it because they are both treated equally.

**Mrs. Josée Beaudin:** Okay.

I have another question on tax credits. Earlier you talked about all the possibilities available to all children, not just adopted children. Is the information on tax credits for parents wanting to adopt a child made available to everyone? I know these credits include many things, but parents are telling us they would like to see a number of other things added to these credits, namely all the legal fees for a second adoption; any counselling; psychological needs—parents who adopt a child might have more needs than biological parents—and specific post-adoption care.

Could we consider adding these fees to the federal non-refundable tax credits?

• (0945)

[English]

**The Chair:** Please answer briefly.

[Translation]

**Mr. Mickey Sarazin:** That is a question for the government and the Department of Finance because it concerns the tax credit policy. It is not an administrative question.

**Mrs. Josée Beaudin:** Okay, thank you.

[English]

**The Chair:** Thank you very much for that brief answer.

Thank you so much for being here.

Mr. Paquette, do you want to add something?

[Translation]

**Mr. Jacques Paquette:** Yes, I simply want to wish you happy holidays on behalf of all my colleagues. Thank you.

[English]

**The Chair:** Merry Christmas to all of you, too. Thanks.

We will suspend for a few minutes while we bring in our next witnesses.

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\_\_\_\_\_ (Pause) \_\_\_\_\_

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• (0950)

**The Chair:** We are ready to begin. I have a reminder for committee members that we do have business that we need to take care of, beginning at 10:30, so we'll just have about 40 minutes.

We're very glad to have with us two witnesses today. Mr. Will Falk is from the University of Toronto, where he is a faculty member. He was a member of an expert panel called the Johnston expert panel, which studied adoption. He is going to share with us his experiences and some insight. We also have with us Peter Dudding, chief executive officer from the Child Welfare League of Canada.

Thank you very much for being here, gentlemen. Each of you has five to seven minutes for your presentations. If you could keep to the time limit, it would be appreciated.

We will begin with Mr. Dudding, please.

**Mr. Peter Dudding (Chief Executive Officer, Child Welfare League of Canada):** Thanks very much, Ms. Hoepner.

Good morning. Thank you for this opportunity to provide information to you regarding adoption in Canada.

This is a summary presentation. I will focus on the questions related to domestic adoption only.

The issues regarding adoption are very complex and multifaceted. They involve policy, services, data, and research. I will highlight only the key issues that would pertain to federal leadership.

As you know, adoption is part of a continuum of family-based care options for children from birth to 17 years, which includes foster care, kinship care, guardianship, fostering with a view to adopt, open adoption, subsidized adoption, and custom care in aboriginal communities.

There has been progress in building this continuum of care for children who require out-of-home care, and there is growing consensus and emerging research support around key foundational principles. Those principles are: children are unique and require an individualized response to their needs; children require a connection through family to their race, culture, and identity; and children require a sense of belonging—love—within stable and predictable relationships in order to thrive.

We know that across Canada there are insufficient families available for children who require out-of-home care. Despite the heroic efforts of many individuals, families, and child welfare organizations, increasing numbers of children are growing up in unsuitable placements without access to family relationships, belonging, and pride in who they are, and without any permanence in their lives. Rather, these children are growing up in overcrowded homes, shelters, or, even worse, hotel rooms with temporary workers looking after them.

Further, we know there are unresolved conflicts between aboriginal groups and child welfare services about the best approaches to caring for aboriginal children who require adoption.

In this presentation this morning, I will attempt to address the two questions under consideration by this committee: that is, the current situation regarding adoption in Canada, and the potential for a federal leadership role. I will conclude with a number of recommendations for your consideration.

First, I will address the current situation. The situation regarding adoption in Canada was recently studied by the Standing Senate Committee on Human Rights, chaired by the Honourable Raynell Andreychuk. Their exhaustive final report, "Children: The Silenced Citizens", was released in April 2007. There is an entire chapter devoted to adoption and identity. Their conclusion, on page 109, was that "the Committee calls on governments across Canada to recognize and address the adoption crisis in this country, particularly in the case of Aboriginal children".

The Child Welfare League of Canada agrees with this conclusion and with the recommendations made by the committee. The fact of the matter is that the situation regarding out-of-home care in Canada has been inadequate, under-resourced, fragmented, and struggling for many years. It has been so for most of my 41 years of experience working in the child welfare system, and it's my continuing observation today.

This does not diminish the reality that there are stellar examples of innovation, creativity, and development of best practices, but they tend to be localized or not well supported or replicated: things like foster/adopt programs, subsidized adoption programs, and the adoption programs in provinces like Alberta and New Brunswick.

In my view, a continuum of family-based care has never been developed in Canada, and this perspective is commonly shared by child welfare professionals and substantiated in the limited research that's available.

Some of the Senate committee findings were as follows: an estimated 76,000 children in care in 2007; over 22,000 awaiting adoption; fewer than 1,700 adopted annually in Canada; and more than 50% of the children awaiting adoption are aboriginal. Although updated national data is not available, it is likely that these estimates are still valid, and with the effect of the global economic recession, numbers will most likely have increased.

● (0955)

The most recent data on child welfare services in Canada is the Canadian incidence study on reported child abuse and neglect. It is funded by the Public Health Agency of Canada as part of the national child health surveillance program. It indicated that 235,000

cases of child maltreatment were investigated in 2008, and this number was really unchanged from the previous five-year reporting period in 2003.

Let's turn to the federal responsibility in this area. Canada is quite different from the United States in the implementation of child welfare services. In the U.S. there is a more direct federal responsibility for legislation policy and funding. In Canada federal participation is more indirect through measures such as the Canada social transfer, the CST, and monitoring through the social union framework agreement. As we know, provinces therefore have much greater autonomy. However, these are important instruments, both the CST and SUFA, available to the federal government in terms of exercising more leadership.

That takes me right to the recommendations. The recommendations for the federal government are to continue to provide leadership in this area, and from our perspective there are five of them.

First is the establishment of a knowledge exchange centre on family-based care. This would be a federally supported centre that would have the mandate of promoting exchange of information and best practices across Canada, support policy research and training, and of course assist in the collection of national data.

Second is with regard to the social union framework. It is to improve the current capacity at SUFA regarding monitoring, measuring of outcomes, and reporting in child welfare data.

I'm going to quickly mention the final couple of them. Third is to establish a federal child and youth advisory committee, an advisory committee comprised of young people themselves, 12 to 18 years of age, who are really going to speak with the power of a child's voice in this regard.

● (1000)

**The Chair:** I appreciate your timer. At least I didn't get the daggers thrown at me this time because I had to tell you your time was up, so I appreciated hearing that.

**Mr. Peter Dudding:** My colleague has been very helpful.

**The Chair:** Mr. Falk, go ahead, please.

**Mr. Will Falk (As an Individual):** Thank you, Madam Chair.

My name is Will Falk. I'm a business person and the adoptive father of two boys from foster care.

I'd like to start by congratulating the committee for showing leadership on this important issue. Adoption of crown wards is the ignored underbelly of social policy. It's truly a place where dedicated leadership can make a difference, one child at a time.

I've had the chance to listen to or to read ten hours of your transcripts. I guess that's eleven hours, having sat through the first hour today. I'm impressed by your understanding of the issue—because it's a difficult one in a lot of dimensions—and the way you're working together to solve the issue. You seem to be above party pettiness, and that's just great to see, as is your willingness to show leadership on an issue that many people believe is not primarily a federal concern.

And let me say yes, I recognize that the child welfare system is clearly a provincial responsibility first. But the results of our current poorly functioning systems are the responsibilities of all levels of government. We all end up paying.

We know the numbers from Canada and the U.S.: that 45% of homeless youth have been in foster care, and that a large proportion of the prison population are kids formerly in care. We know that about 36% of men and 14% of women in prison were abused as children. We know that wards of the crown are 25% more likely to have a teen pregnancy; 30% more likely to commit a violent crime; two and a half times more likely to abuse alcohol; 3.8 times more likely be drug-addicted; and finally, that 80% of abused and neglected children will abuse or neglect their own children. So this is the cycle of poverty issue, and you are on it and that's great. It is an issue of national concern, with shared responsibility for action. So thank you for recognizing its importance.

I served on the expert panel on infertility and adoption chaired by now Governor General David Johnston, and I was the co-chair of that panel's work group on adoption. There was an Ontario report, which you have as a brief, in both French and English.

Our citizen team looked in detail at the Ontario situation and made recommendations for how Ontario could improve its adoption system. The section of our report on adoption runs to more than 60 pages, so I have about four and a half seconds a page to cover from here on in.

Let me do a couple of things. First, we recommended a targeting of a doubling of the number of crown ward adoptions in five years in Ontario, from 800 to 1,600. Peter has spoken about some of the national numbers. Already in the first year, just by raising awareness, those numbers are up 21%, and most people believe we can keep up that trend.

We know from the U.S. experience that doubling is possible. You've heard testimony from Susan Smith that they tripled, so start with the baseline that doubling is possible and push on it. Strong national leadership is a key part of accomplishing that.

And while there may be some nuances and some uniquely Canadian qualifiers, shared governance, as we've seen in EI, health, and immigration, is possible, and I encourage you to continue.

Let me talk a bit about the Johnston panel's recommendations in Ontario.

There should be a central organization and coordination of the adoption system with known standards and timelines for families and for kids for system entry, training, and home study.

There should be much better central systems to promote available children and available families. We're missing the match, and we

need to make those websites and those adoption resource exchanges work much better.

We need to remove barriers from court-ordered access.

And finally, we need to provide standardized and regular adoption subsidies for the adoption of crown wards age two and older, as well as for crown wards under two with special needs. What we recommended in the Johnston report was 50% to 80% of the current foster care board rate. It sounds as if INAC is moving in that direction in at least two provinces, so let's keep pushing on that one nationally to see if we can get that done.

The overall goal is doubling in five years.

It's good compassionate public policy, but it's also very cost-effective. The U.S. data suggest that the saving per adopted child over the life of a child is \$124,000.

• (1005)

It costs \$40,000 to keep a kid in care in Ontario, and that's just the average number. When you start talking about group home costs in Toronto, you're up \$175 to \$200 per day. You get these kids adopted early and in permanent homes and you take available funds. And we estimated, without looking at the soft savings of cycle poverty costs, that you would be seeing savings of \$26 million a year in the Ontario situation after the fifth year of implementation, in the sixth year. Those data are supported by the U.S. data. We're putting the money in the wrong places, folks. We need to move the money and to make a difference here to save that money and do better for these kids.

Let's make no doubt, these kids are our responsibility as a society. The parental rights have been terminated. These are wards of the crown. We have the responsibility to develop a national adoption strategy, make it the focus of a ministers meeting, and then part of a first ministers meeting. You can bring that time and attention. You can increase adoption supports. The Government of Canada should amend federal employment insurance rules to provide the same treatment for both birth and adoptive parents. That was our recommendation. I've heard some of your discussion today, and maybe we can talk about that in questions. Increase the ceiling of allowable expenses, further expand the post-adoption...available through INAC. We heard about that a little bit earlier.

The interprovincial adoption protocol needs to be expanded on the U.S. interstate model. That may involve putting more money into programs like CWLC so that you have overlays and some supports that allow for that matching. You need a national database of crown ward information. We need to know how these kids are doing. They're our responsibility. As government leaders, they're our responsibility.

If you want more information, there's [www.actiononadoption.ca](http://www.actiononadoption.ca). It's a Facebook account, so you may get blocked on your government sites, but not the MPs.

Thank you very much for your time today.

**The Chair:** Thank you both very much.

We're going to get right to questions. I think we just have time for five-minute rounds.

We'll begin with Mr. Savage, five minutes.

**Mr. Michael Savage:** Just do one round?

**The Chair:** Yes. We have committee business at 10:30.

**Mr. Michael Savage:** Thank you for coming, for your knowledge and your passion on this issue.

I want to get to the issue, for perhaps the both of you, that has come up—I asked about it earlier today, and you've referenced that—which is information and making information available about children who are available for adoption. The idea of a national database has come up on a number of occasions.

Certainly in the Johnston report it speaks a lot about information, collection, reporting. Are we lagging other countries on this?

**Mr. Peter Dudding:** The short answer is yes, we are. Part of that is because we really are 13 jurisdictions. The adoption exchanges are really all done within 13 jurisdictions, and what it is that we do at a national level is really over into the voluntary sector.

**Mr. Will Falk:** I just add that it's at a provincial level and almost non-existent at the national level. At the provincial level, we don't even know in Ontario across the 53 different children's aid societies. We have the bizarre situation inside of Ontario where we have some geographies where kids are waiting, some geographies where families are waiting, and we can't match them up. We have parents waiting to adopt. We heard hundreds of stories coming through our committee. We have about 2,500 families in Ontario waiting to adopt, many of whom are frustrated because they can't get through home studies. It is a real problem. When you look at the fact that the Americans have tripled their numbers and that we haven't moved on this, we are well behind.

• (1010)

**Mr. Michael Savage:** You're right. We spoke with Susan Smith, who spoke about the interstate agreements that were made in the United States. I don't think it impinges upon the rights of the states; I think it just develops the rights of the child a little bit better.

I want to ask you, Mr. Falk, about one of the recommendations in the report to better support more timely inter-country adoption processes and that the government—I assume this is the Ontario government—should play an advocacy role with Ontario, with other

provincial and territorial governments, with the federal government, and governments of other countries.

Are there discussions now among the provinces at all about how we can do a better job of this?

**Mr. Will Falk:** Not that I'm aware of. I'm not aware of any that have moved.

Peter, you may know more about it.

**Mr. Michael Savage:** I ask because we did hear, for example, from New Brunswick, which has done a lot of work in the last decade on the issue of adoptions and in trying to increase their number

There seems to be a lot of work, or at least some work, in some provinces to improve the situation within their respective province, but we don't seem to have gone across those jurisdictions. Is that a fair statement?

**Mr. Peter Dudding:** That's a fair statement.

**Mr. Michael Savage:** Okay.

Susan Smith gave us some very good testimony about the United States, but is there anything specific you would say here? What's the first lesson we should learn from the United States on how to do a better job?

**Mr. Peter Dudding:** Because of the different situations involved, I don't think it's quite as easy as that. I think the lesson for Canadians is one of looking at our existing frameworks.

The Canada social transfer is about \$19 billion a year, and a good portion of that is for social programs. To the extent we're realizing the kinds of outcomes Mr. Falk talked about, we have no way of knowing what's going on.

So there's a lesson there for us in terms of whether or not we are using our existing mechanisms under CST and SUFA to be able to understand how this important dimension of our social programs is being affected.

**Mr. Will Falk:** I'm an adoptive parent in the U.S. as well as in Canada, because I lived outside of Philadelphia, where we adopted my eldest son when he was three. He's an African-American. I learned a few things there about the U.S. model.

First, they were very straightforward about when they had terminated parental rights and how they moved forward on that. Our access orders in Ontario are creating confusion in the system. We need to clean that system up.

Second, on post-adoption supports, I still, to this day, get \$12.50 per day from the Bucks County Children and Youth Social Services Agency, because they believed, correctly, that the three-year-old African-American who had bounced between three foster homes would be much better off placed permanently for the long term. Now, we've spent much more as a family than \$12.50 a day, but that amount helps.

**The Chair:** Thank you.

We'll go now to Madame Beaudin, please.

[*Translation*]

**Mrs. Josée Beaudin:** Thank you very much, Madam Chair.

Good day, gentlemen.

Mr. Dudding, you have 41 years' experience. Congratulations! It is nice to see people who are still here to defend the issues.

I have two or three questions about the information you presented.

First, Mr. Falk, you talked about eliminating some of the legal obstacles. I would like you to elaborate on what those obstacles are.

Then, Mr. Dudding, you talked about best practices that exist. Are there best practices that affect prevention in particular and could you talk about those?

**Mr. Will Falk:** I will talk about the situation in Ontario.

[*English*]

I'm not going to burden you with my terrible French accent.

We looked at a couple of barriers. One was geography, which I spoke of, and the other was the access orders question.

In practice, children who have access orders to their birth families are viewed as unadoptable by workers in the system. That should not be the case, but it is the practice at the moment. There are a lot of very good people in the system who do that for a variety of practical reasons.

The third one is the cost barriers.

Madame Beaudin, if you have a long-term foster care placement in Ontario and you convert that to an adoptive placement, you almost always take the foster board rate away from the family. So the reward for adopting your foster child is to lose the money you were receiving beforehand. Maybe that won't happen in the first year, because many of the executive directors do a good job in that respect, but certainly in the second and third year it will happen.

That's simply outrageous. If you're adopting your 14-year-old child who's been with you for four or five years, the idea that the province would take that money away after the adoption is nonsense.

• (1015)

[*Translation*]

**Mrs. Josée Beaudin:** Thank you.

Mr. Dudding?

[*English*]

**Mr. Peter Dudding:** I would say, particularly in the province of Quebec, that things have moved along in the last five years. This really had to do with the concept of permanency.

[*Translation*]

**Mrs. Josée Beaudin:** Yes.

[*English*]

**Mr. Peter Dudding:** That really speaks to this issue in terms of the mindset toward the objective of moving children to permanency, no matter their age. It's clearly one of the issues in training and best practices that it's still not clearly understood within the system.

The other barrier tends to be in the court system and how these access orders are maintained. Once that order is made, it's very, very difficult to remove it from the child's situation, notwithstanding the fact that no access may ever be exercised. The legal impediment to having an access order removed, once given, is a big one.

[*Translation*]

**Mrs. Josée Beaudin:** Since I still have some time left, I would like to know something.

If you had to determine the key challenges, what would they be? We have talked about the issue of time. I do not know what is most important to you, the length of time involved in the adoption process, the lack of resources for post-adoption assistance or the lack of financial resources. What are the key challenges as far as you are concerned?

What is the specific role of the Adoption Council of Canada? You tell me it will take an agency to oversee the entire adoption process, but is that not the role of the Adoption Council of Canada?

[*English*]

**Mr. Peter Dudding:** There are a number of things there. There are legal impediments, organizational impediments, and informational impediments. Let me dwell on the informational part of it. When we don't know what's going on with kids within the system, it's hard for the system to monitor and correct itself with regard to where it should be placing its emphasis. My colleague spoke of the disconnect. When you have children in hotel rooms and you're hiring staff to look after them and you have a waiting list of 2,500 people looking to adopt, it suggests a system that is crisis-oriented, that has lots of time demands placed on the front line, and that receives little direction in how to respond to children's needs.

**The Chair:** Did you want to add anything, Mr. Falk?

**Mr. Will Falk:** I think that organizations like CWLC and the Adoption Council of Canada could be strengthened, and that this would have a tremendous impact. My own view on the data piece is that we need to decide that a third party is going to collect these data. We are not talking about a big database here. We're talking about 20,000 or 30,000 kids. But these are wards of the crown, and we should know their grade level, their health history, and their last report card. We don't know these things. We don't know, in Ontario today, stuff that—

•(1020)

**The Chair:** Never mind nationally, the provinces don't even know.

**Mr. Will Falk:** That's right.

**The Chair:** Thanks.

Mr. Martin.

**Mr. Tony Martin:** I was intrigued with the case you made about the cost of not doing anything, the cost of allowing these children to roll along getting caught up in the system. You mentioned the amount of \$26 million a year. We just tabled a report here that was done in an exemplary way—non-partisan, three years across the country, looking at poverty and how children get caught up in it. Over the last couple of years, a number of organizations have made the case that if you don't do anything about poverty it's already costing you. They've put out some pretty extraordinary numbers, anywhere from \$60 billion to \$90 billion a year. You talked about a small portion of that. Maybe you could comment further on how you've come to these numbers and how they play out in a larger context. Would it be wise for a government to move on some anti-poverty measures, a national anti-poverty strategy—seven provinces already are developing their own strategies—in the context of this discussion?

**Mr. Will Falk:** I have two or three comments.

First, the source is "Youth Leaving Care: How Do They Fare?", September 2005. It's available at [www.childhelp.org](http://www.childhelp.org). You can go through some of my figures. I'll provide that to the committee clerk.

Second, as the Johnston panel did its work, we dug into this issue, Mr. Martin. And we came to the conclusion, particularly in Ontario, that the population we were talking about was so high-risk, was so important to general poverty issues, and was accounting for such a large piece of incarceration and homelessness that if we could tackle it one child at a time, we could make a huge difference.

When we looked to the field, we saw some programs that were really eye-opening. The one I'll highlight for you is Wendy's Wonderful Kids out of the Dave Thomas Foundation. We support that through the Children's Aid Foundation. If you look at their numbers, they do adoptions at between \$20,000 and \$25,000 a kid. What they do is hire workers and do adoptions. So some of us in the philanthropic community have come to the conclusion that it's a no-brainer to raise money for that. Forget about government doing it. We're now supporting seven workers and just doing it, because you can take kids that are costing \$40,000 a year in the system and find them permanent homes at \$25,000 a year.

The economics of this are staggering. The money is in the wrong place. We're paying \$100,000 a year for some of these kids, keeping them in the proverbial hotel rooms. And we could put the money in a different place.

**Mr. Tony Martin:** Thank you. I appreciate that.

Mr. Dudding, it sounded as if you had some recommendations that you didn't get to read into the record. Would you mind doing that?

**Mr. Peter Dudding:** Sure, I'd be glad to.

The next recommendation was about an enhanced prevention fund for first nations. You probably heard from INAC that they are moving ahead with the enhanced prevention funding. We would suggest that it be done in 2011-12.

The other area that we felt was important was the coordination of federal child and family programs. As it currently stands, there is no coordinating ability among the various government departments, so the establishment of a federal secretariat within a central agency, such as the Privy Council Office, to coordinate federal policy and programs would be a big step forward in enabling us to focus on these kinds of issues.

Thanks.

**Mr. Tony Martin:** Just to go back to the question I originally asked, you talked about \$25,000. What percentage of the adoption scenario out there is being supported in this way?

**Mr. Will Falk:** At the moment, there are seven workers. Two of them are in Windsor. A couple are in Toronto. There is B.C., Nova Scotia, and Alberta.

The Dave Thomas Foundation across the U.S. has shown great success, and these are hard-to-place kids, generally speaking. Wendy's Wonderful Kids is the program.

•(1025)

**The Chair:** Thanks, that's all the time.

Mr. Watson.

**Mr. Jeff Watson:** Thank you, Madam Chair.

Thank you to our witnesses for appearing today. We appreciate your testimony.

I'm not sure which one of you made the distinction between federal versus national, but I take it that you're both in support of a national adoption strategy. Is that fair to say?

**Mr. Peter Dudding:** My recommendation is slightly different, Jeff, in terms of promoting a national knowledge exchange centre. I think the question, in terms of strategy, is always how ambitious one wants to be.

**Mr. Jeff Watson:** But the focus of our efforts, ultimately, should be, first of all, a cooperative approach with respect to the provinces and territories. Agreed?

**Mr. Peter Dudding:** Yes.

**Mr. Will Falk:** Yes.

I said national, Jeff. The reason is that if you look at some of the provinces—Alberta and New Brunswick have come up—Quebec has actually done a really excellent job on EI and family-friendly infertility policies. I think, given that it's a provincial responsibility primarily, it has to be a national program, not a federal program.

That being said, I think that, as with health care, there's a role here for the feds to shine a light on some of what's going on.



**Mr. Jeff Watson:** Exploring this a little further, it should focus on moving children from state care, if you will, in some form, to adoption permanency. Correct? Is that agreed?

**Mr. Will Falk:** Sure.

**Mr. Jeff Watson:** It should involve the ministers. And I would presume that the deputy ministers, as well, should have this on their radar screens, in terms of meeting.

**Mr. Peter Dudding:** Yes.

**Mr. Jeff Watson:** Fair enough.

We heard from HRSDC officials that the Child Welfare League is being funded to build a national database. Can you confirm that, first of all? When did that begin? Under what program is it being funded? How much is being funded? And why are you guys building it instead of the government? But that's maybe a different question.

**Mr. Peter Dudding:** That would be an overstatement. We're actually being funded under a program called "Every Child Matters: Strengthening Foster Families in Canada", which is a national foster care development project. I understand it's \$600,000 over three years, so \$200,000 a year.

**Mr. Jeff Watson:** What year did you begin?

**Mr. Peter Dudding:** Just this year, 2010. And the exercise, in terms of working with the provinces, is to collect their data for foster care.

**Mr. Jeff Watson:** What info will be contained in that database? Is the information easily accessible to you? Is it easily translatable across the different jurisdictions? I think you mentioned SUFA. Would it require a discussion between governments about standardizing language or requirements with respect to this kind of reporting and monitoring?

**Mr. Peter Dudding:** It would require major discussions between governments to standardize the information. As it stands, you've got 13 different reports with 13 substantively different definitions.

**Mr. Jeff Watson:** Switching gears here for a moment, with respect to the establishment of adoption leave, what factors are unique with respect to adoptive caregivers? I'm not talking about the

issues of care with respect to the child, but what unique factors, emotional, psychological, or otherwise, are related to adoptive caregiving?

**Mr. Will Falk:** I listened carefully to your discussion with officials in the first hour. The thing that was missing there, to me, was the notion of what you do two or three years after the adoption should one of the parents need to leave work to take care of the adopted child. And that happens a lot, folks. The three-year-old will be fine, through four and five, and then you will have to home-school.

My wife home-schooled our son for two full years, with loss of income, during grades one and two. That was okay for my family, but we heard testimony from people who were wiped out by that situation.

If a family is taking over a ward of the state, then you have to provide the backstop and the support, the income support, if that adoption or placement gets into difficulty. And that's not just expenses. That's EI two years after the adoption or placement, because the child has those needs. I don't claim to know how you monitor that, but that's the need you're talking about.

• (1030)

**The Chair:** Thanks very much, Mr. Falk, and thank you, Mr. Dudding. We appreciate so much your being here. There are a lot more questions we could ask. Unfortunately, our time is up.

We wish you both a very merry Christmas.

We have committee business we need to attend to. We have a motion on the floor. We've got a motion from Monsieur Lessard that we are dealing with. We have 15 minutes to deal with this motion, so I'm hoping we will be able to get through it. I think the clerk handed out the motion to everybody.

We will have to go in camera.

Thank you.

[*Proceedings continue in camera*]

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