

AH1610 - Newborn Adoption/Surrogacy

1.0 PURPOSE

To provide direction and practice support to Interior Health (IH) staff regarding the Adoption or Surrogacy of infants born in an IH facility.

2.0 DEFINITIONS

Adoption	The legal transfer of parental rights and obligations from birthparent(s) to adoptive parent(s).
Birth Mother	The person who gives birth to, or is delivered of, a child, regardless of whether her human reproductive material was used in the child's conception, unless the person is a surrogate within the meaning of section 29 of the Family Law Act . A birth mother under nineteen years of age may give a legally valid consent to the adoption of a child in accordance with the Adoption Act .
Delegated Adoption Worker	Registered Social Worker delegated under the Adoption Act to do this work.
Intended parent(s)	Parent(s) identified in a Surrogacy Agreement to assume care of a newborn immediately after birth by a surrogate.
Licensed Adoption Agency	A society licensed in accordance with the regulations (Adoption Act). See this list of the licensed adoption agencies in BC .
MCFD	Ministry of Children and Family Development
Prospective Adoptive Parent(s)	A person(s) who intends to adopt a child under the Adoption Act .
Surrogacy	When a woman (called a surrogate) carries a baby conceived by assisted reproduction for intended parents. Surrogacy in Canada is governed by the Assisted Human Reproduction Act .
Surrogacy Agreement	A written agreement that meets the criteria of the BC Family Law Act on behalf of a surrogate and intended parent(s) prior to conception through assisted reproduction. This agreement articulates expectations/responsibilities of those named in the agreement per regulations as described in the Assisted Human Reproduction Act . Effective in 2013, this agreement no longer requires legal oversight in British Columbia.
Surrogate Mother	Also known as Gestational Carrier. A female person who — with the intention of surrendering the child at birth to a donor or another person — carries an embryo or foetus that was conceived by means of an assisted reproduction procedure and derived from the genes of a donor or donors. (Assisted Human Reproduction Act). The act requires the surrogate to be 21 years of age or older.

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3.0 POLICY

3.1 Scope

This policy applies to any situation during a hospitalization at an IH facility where a Birth Mother intends to change guardianship and custody after the birth of a newborn, through Adoption or Surrogacy.

3.2 Description of Placements

3.2.1 Adoption

Placing a newborn for Adoption can occur in several ways:

- **Public/Ministry Placement:** a placement that occurs in the absence of any other planned Adoption or Surrogate placement arranged by the Provincial director or delegate under the Adoption Act.
- **Agency Adoption:** birth parent(s) place their child through a licensed Adoption Agency.
- **Direct Placement:** the action of a parent or other guardian of a child placing the child for adoption with one or 2 adults. The prospective adoptive parent(s) named become joint guardian of the child until such time as additional documentation indicates otherwise.
- **Custom Adoption:** refers to the cultural practices of Aboriginal peoples to raise a child, by a person who is not the child's parent, according to the custom of the First Nations and/or Aboriginal community of the child.
- **Intercountry Adoption:** also known as international Adoption is the process of adopting a child from another country.
- **Interprovincial Adoption:** when a child is adopted by prospective adoptive parents from a province other than BC. There is a national guideline document that informs this process.

As all Adoptions **must be regulated**, there must be involvement of a licensed Adoption Agency or MCFD. The Adoption processes as legislated under the Adoption Act will be followed.

3.2.2 Surrogacy

When IH is provided notification of a Surrogacy Agreement between a Surrogate Mother and the intended parent(s), the Surrogacy processes as legislated under the Assisted Human Reproduction Act and Family Law Act will be followed.

4.0 PROCEDURES

- #### 4.1 Determine whether release of custody of newborn is Adoption or Surrogacy and follow relevant procedures.

4.1.1 Adoption:

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- a) When the Birth Mother notifies IH that they are placing a newborn for Adoption, ensure that they register the intent to plan for Adoption with the MCFD or a licensed Adoption Agency.
- b) Follow the clinical practice standard Adoption of the Newborn for detailed procedural information (see [Newborn Adoption and Surrogacy](#) Quality Bundle)
- c) If the Birth Mother did not register the Adoption, you must complete an IH Social Work assessment. Based on the assessment and as directed by the Birth Mother:
 - Contact a licensed Adoption Agency, as directed by the Birth Mother; OR
 - Contact MCFD (1-800-663-9122 and request the local adoptions team).
 - If the Birth Mother cannot or will not make a decision, IH staff will contact MCFD for further direction.

4.1.2 Surrogacy:

- If a Birth Mother notifies IH that they are surrendering custody of the newborn as part of a Surrogacy Agreement, follow the clinical practice standard Surrogate Birth for detailed procedural information (see [Newborn Adoption and Surrogacy](#) Quality Bundle).
- In the absence of a Surrogacy Agreement, an IH Social Work assessment is required. Contact MCFD for further direction if the Birth Mother intends to surrender custody of the newborn.

4.2 Where child protection issues exist, there is a “Duty to Report” ([Child, Family and Community Service Act](#)) the concerns to MCFD by calling Centralized Screening 1-800-663-9122 (available 24 hours per day, 7 days per week).

4.3 Enter the IH Social Work referral in Meditech. In the absence of Social Work services, consult with the Social Work Professional Practice Leader (PPL) for the area.

5.0 REFERENCES

1. [Adoption Act](#), 2016
2. [Assisted Human Reproduction Act](#), 2012
3. [Child, Family and Community Service Act](#)
4. [Family Law Act](#), Part 3 Section 29 2016
5. [Licensed Adoption Agencies as listed on the Government of B.C. website](#)
6. Ministry of Children and Family Development – [Practice Standards and Guidelines for Adoption](#)

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