

The Adoption Council of Canada (ACC) believes that sealed adoption records perpetuate secrecy and shame within adoption.

The United Nations Convention on the Rights of the Child recognizes in Part 1, Article 8 “the right of the child to preserve his or her identity, including nationality, name and family relations...” In accordance with the UN position, the ACC believes that every adoptee has the right to his/her original identity including his/her medical and ancestral history. Furthermore, every birth parent has the right to know the name of his/her adult adopted child. The ACC recognizes that every individual has the right to search for and approach relatives free from government interference. Should both parties agree, the ACC supports the right of individuals separated by adoption to associate freely and without restriction.

The ACC holds that:

* Every adopted adult has an unqualified right to access his/her original birth certificate, the court files pertaining to his/her adoption, and his/her personal files held by the adoption agency, government, and/or licensee.

* Every birth parent has an unqualified right to access the amended and original birth certificates of his/her adult adopted child, along with the court files, any document that he/she signed at the time of surrender, and his/her personal files held by the adoption agency, government, and/or licensee.

* Birth siblings and birth grandparents of adopted adults have an unqualified right to access the amended birth certificate of the adopted person.

* Adult direct descendents of adopted adults have an unqualified right to access the original birth certificate of the adopted person.

The ACC recognizes that while adopted adults and birth parents have an unqualified right to identifying information about family members, they also have a right to maintain privacy. As a result, the ACC supports the use of a Contact Preference form. On this form, an adopted adult or birth parent may indicate his/her preference for reunion. The ACC does not support vetoes of any kind finding them punitive, discriminatory, and unnecessary.

The ACC believes it is the responsibility of provinces, territories, and all child placement agencies to create, support and adequately fund adoption disclosure registries that actively seek birth relatives or adoptees, upon registration of any of these parties. It is the further responsibility of all provinces, territories, and child placement agencies to make voluntary counselling available for any individual contemplating search and reunion and to preserve all birth and adoption records for future retrieval.

The ACC further believes that although adoption law in Canada is a provincial matter, the federal government has an obligation under the terms of the United Nations Convention on the Rights of the Child to ensure that the terms of the Convention are implemented throughout all

provinces and territories in accordance with the General Guidelines of Implementation of the Convention issues in October 2003 that state:

The Committee reiterates that in all circumstances, the State which ratified or acceded to the Convention remains responsible for ensuring the implementation of the Convention throughout the jurisdiction.

The ACC also agrees with the United Nations Committee on the Rights of the Child that federal governments must ensure there are “safeguards to ensure that decentralization or devolution does not lead to discrimination in the enjoyment of rights by children in different regions.”