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Bill 87

**An Act to amend the Vital Statistics Act
to provide for greater access to information related to adoptions**

Ms T. Armstrong

Private Member's Bill

1st Reading March 27, 2023

2nd Reading

3rd Reading

Royal Assent



EXPLANATORY NOTE

The *Vital Statistics Act* is amended. Here are some highlights:

1. The Act is amended to provide for the meaning of next of kin of an adopted person and the meaning of next of kin of a birth parent of an adopted person.
2. The Act is amended to permit the next of kin of a deceased adopted person or the next of kin of a deceased birth parent of an adopted person, as the case may be, to access adoption information.
3. The Act is amended to permit the Registrar General to enter into an agreement with an authority responsible for birth or adoption registrations in another province or territory of Canada in order to share information for certain purposes and if certain conditions are met.

**An Act to amend the Vital Statistics Act
to provide for greater access to information related to adoptions**

His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1 The *Vital Statistics Act* is amended by adding the following section:

INTERPRETATION

Interpretation, next of kin re adoption

1.1 (1) A reference to the next of kin of an adopted person is a reference to the person's child, grandchild, great-grandchild or other descendant.

Same

(2) A reference to the next of kin of a birth parent of an adopted person is a reference to the birth parent's child, grandchild, great-grandchild or other descendant, parent or sibling.

2 The Act is amended by adding the following section immediately before the heading "Changes of Name":

Sharing of information, child born in another province or territory of Canada

30.0.1 (1) If a child born in another province or territory of Canada has been adopted in Ontario under the *Child, Youth and Family Services Act, 2017*, or a predecessor of it, the Registrar General may enter into an agreement with an authority responsible for having charge of the registration of births in that province or territory respecting the sharing of information.

Same

(2) For the purposes of subsection (1), the Registrar General shall only disclose information to the authority if it is authorized to disclose that information under this Act or any other Act.

3 (1) Subsection 48.1 (1) of the Act is amended by striking out "An adopted person" at the beginning and substituting "An adopted person or the next of kin of a deceased adopted person".

(2) Subsections 48.1 (2) and (3) of the Act are repealed and the following substituted:

Age restriction, adopted person and next of kin of deceased adopted person

(2) The applicant is not entitled to apply for the uncertified copies until the applicant is at least 18 years old.

Disclosure

(3) Subject to subsections (5), (6), (7), (9), (10) and (11), the applicant may obtain the uncertified copies from the Registrar General upon payment of any required fee and upon production of any evidence of the applicant's identity and age and, if the applicant is the next of kin of the deceased adopted person, the adopted person's death, that may be required by the Registrar General.

4 (1) Subsection 48.2 (1) of the Act is amended by striking out "A birth parent of an adopted person" at the beginning in the portion before paragraph 1 and substituting "A birth parent of an adopted person or the next of kin of a deceased birth parent of an adopted person".

(2) Section 48.2 of the Act is amended by adding the following subsection:

Age restriction, next of kin of a deceased birth parent of an adopted person

(2.1) The next of kin of a deceased birth parent is not entitled to apply for the information described in subsection (1) until the next of kin is at least 18 years old and the adopted person is at least 19 years old.

(3) Subsection 48.2 (3) of the Act is repealed and the following substituted:

Disclosure

(3) Subject to subsections (5) and (7), the applicant may obtain the information described in subsection (1) from the Registrar General upon payment of any required fee and upon production of any evidence of the applicant's identity and age and, if the applicant is the next of kin of the deceased birth parent, the birth parent's death, that may be required by the Registrar General.

(4) Subsection 48.2 (7) of the Act is repealed and the following substituted:

Effect of disclosure veto

(7) If a disclosure veto submitted by an adopted person under subsection 48.5 (2) is in effect, the Registrar General shall not give the information described in subsection (1) to,

- (a) any applicant who applies for the information under subsection (1), if the disclosure veto does not specify a birth parent, or the next of kin of that birth parent if the birth parent is deceased, against whom it is effective; or
- (b) if the adopted person specifies in the disclosure veto that it is to be effective only against a particular birth parent, or the next of kin of that birth parent if the birth parent is deceased, the birth parent or next of kin of that birth parent specified in the disclosure veto.

5 (1) Subsection 48.3 (1) of the Act is repealed and the following substituted:

Notice, preferred manner of contact

Adopted person

(1) An adopted person who is at least 18 years old may submit to the Registrar General a notice specifying the adopted person's preferences concerning the manner in which a birth parent of the adopted person, or the next of kin of that birth parent if the birth parent is deceased, may contact the adopted person.

(2) Subsection 48.3 (2) of the Act is repealed and the following substituted:

Birth parent

(2) A birth parent may submit to the Registrar General a notice specifying the birth parent's preferences concerning the manner in which the adopted person, or the next of kin of that adopted person if the adopted person is deceased, may contact the birth parent.

(3) Subsections 48.3 (4) and (5) of the Act are repealed and the following substituted:

Exception

(4) Despite subsection (3), a notice submitted by an adopted person with respect to a birth parent or the next of kin of a deceased birth parent does not come into effect if, before the match is made, the Registrar General has already given that birth parent or the next of kin of that deceased birth parent the information described in subsection 48.2 (1).

Same

(5) Despite subsection (3), a notice submitted by a birth parent does not come into effect if, before the match is made, the Registrar General has already given the adopted person or the next of kin of the deceased adopted person the uncertified copies of registered documents described in subsection 48.1 (1).

6 (1) Subsection 48.4 (1) of the Act is amended by adding "or the next of kin of a deceased birth parent" at the end.

(2) Subsection 48.4 (3) of the Act is amended by adding "or the next of kin of the deceased adopted person" at the end.

(3) Subsections 48.4 (6) and (7) of the Act are repealed and the following substituted:

Exception

(6) Despite subsection (5), a notice submitted by an adopted person with respect to a birth parent or the next of kin of a deceased birth parent does not come into effect if, before the match is made, the Registrar General has already given that birth parent or the next of kin of that deceased birth parent the information described in subsection 48.2 (1).

Same

(7) Despite subsection (5), a notice submitted by a birth parent does not come into effect if, before the match is made, the Registrar General has already given the adopted person or the next of kin of the deceased adopted person the uncertified copies of registered documents described in subsection 48.1 (1).

7 (1) Subsection 48.5 (2) of the Act is amended by adding "or to the next of kin of a deceased birth parent" at the end.

(2) Subsection 48.5 (3) of the Act is amended by adding "or the next of kin of that birth parent, if that birth parent is deceased" at the end.

(3) Subsection 48.5 (5) of the Act is amended by adding "or to the next of kin of the deceased adopted person" at the end.

(4) Subsections 48.5 (9) and (10) of the Act are repealed and the following substituted:

Exception

(9) Despite subsection (8), a disclosure veto submitted by an adopted person with respect to one or two birth parents or to the next of kin of a deceased birth parent does not come into effect with respect to any birth parent or to the next of kin of a

deceased birth parent to whom the Registrar General has already given the information described in subsection 48.2 (1) before the match is made.

Same

(10) Despite subsection (8), a disclosure veto submitted by a birth parent does not come into effect if, before the match is made, the Registrar General has already given the adopted person or the next of kin of the deceased adopted person the uncertified copies of the documents described in subsection 48.1 (1).

8 The Act is amended by adding the following section immediately before the heading “Disclosure of Death Information”:

Sharing of information, child adopted in another province or territory of Canada

48.8 (1) The Registrar General may enter into an agreement with an authority responsible for having charge of the registration of adoptions in another province or territory of Canada respecting the sharing of information.

Same

(2) Under an agreement entered into under subsection (1), the Registrar General may disclose information to the authority if it is necessary to,

- (a) enable the Registrar General to determine if a disclosure veto or contact preference has been filed in the authority’s province or territory; or
- (b) enable the authority to determine if a disclosure veto or contact preference has been filed under this Act.

Same

(3) For the purposes of subsection (2), the Registrar General shall only disclose information to the authority if it is authorized to disclose that information under this Act or any other Act.

9 Section 56.1 of the Act is repealed and the following substituted:

Offences re contacting adopted person or birth parent despite notice

Contacting birth parent despite notice

56.1 (1) If, under section 48.1, an adopted person or the next of kin of a deceased adopted person receives notice that a birth parent does not wish to be contacted, the adopted person or the next of kin of the deceased adopted person, as the case may be, shall not knowingly contact or attempt to contact the birth parent, either directly or indirectly.

Contacting adopted person despite notice

(2) If, under section 48.2, a birth parent or the next of kin of a deceased birth parent receives notice that the adopted person does not wish to be contacted by the birth parent or the next of kin of the deceased birth parent, as the case may be, that person shall not knowingly contact or attempt to contact the adopted person, either directly or indirectly.

Other persons

(3) No person shall contact or attempt to contact a birth parent on behalf of an adopted person or the next of kin of a deceased adopted person if the adopted person or the next of kin of the deceased adopted person is prohibited by subsection (1) from doing so.

Same

(4) No person shall contact or attempt to contact an adopted person on behalf of a birth parent or the next of kin of a deceased birth parent if the birth parent or the next of kin of the deceased birth parent is prohibited by subsection (2) from doing so.

Penalty

(5) A person who contravenes subsection (1), (2), (3) or (4) is guilty of an offence and, on conviction, is liable to a fine of not more than \$50,000 for an individual or \$250,000 for a corporation.

Commencement

10 This Act comes into force on the day it receives Royal Assent.

Short title

11 The short title of this Act is the *Vital Statistics Amendment Act, 2023*.