

# Adoption Records

## in Nova Scotia

What We Heard Report  
*A report on the public consultation results*

Department of Community Services

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Adoption Records in Nova Scotia:  
What We Heard Report – A report on the public consultation results  
Department of Community Services  
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## Glossary of Terms

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The following terms are used throughout this report:

- **Adopted Person:** is an individual who was adopted and is over the age of majority (i.e. 19 years of age).
- **Adoption Disclosure Program:** program set up under the *Adoption Information Act*. Through experienced social workers, it offers services to adopted persons, birth parents, birth siblings, and adoptive parents. The services they offer include maintaining the Passive Adoption Register; preparing non-identifying summaries; conducting searches for adopted persons or birth parents; and helping adopted persons and birth parents to contact each other.
- **Consultation Participants:** refers to individuals who participated in the information gathering for the development of this report. This could be individuals who attended community information sessions, completed the online survey, provided emailed or written responses, and or who were part of the stakeholder meetings (as described in the methodology).
- **Contact Notice:** a document you file with the government stating that you are willing to share information that can identify you. You can indicate that you do NOT want to be contacted or that you agree to be contacted under the circumstances set out in the notice. The notice may also include information you are willing to share, such as family and medical information.
- **Disclosure Veto:** a document you file with the government stating that you do NOT want to share information that can identify you. If a party to your adoption wants information that identifies you and there is a Disclosure Veto on file, that person will NOT receive that information.
- **Identifying Information:** any information that would reveal the identity of another party to the adoption. This includes names, birth dates, where someone lives, where someone works, and what someone does for a living.
- **Open Records Legislation:** laws that let the government share information about one of the parties to an adoption with the other party without consent, subject to various forms of Disclosure Vetoes.
- **Openness:** refers to how much information will be shared or how much contact will be had between adoptive parents and birth parents at the time of an adoption. For example, it may mean that adoptive parents send yearly updates to birth parents through a social worker from the Department of Community Services or birth and adoptive families may contact each other directly.
- **Non-identifying Information:** any information from an adoption record that would not reveal the identity of a person. This includes medical history, physical description, interests, level of education, and so on.
- **Parties to an Adoption:** is a term used to reference adopted persons, birth parents, and adoptive parents.
- **Passive Adoption Register:** a list of the names of people who want to contact the other party to their adoption.
- **Survey Respondents:** refers only to those who submitted a response to the online survey.

## Executive Summary

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In the Spring of 2019, the Minister of Community Services announced that Nova Scotians would be consulted about how to share information from adoption records.

The consultation was launched on November 13, 2019, and continued until January 16, 2020:

- community information sessions were held in 11 locations across the province with 104 attendees
- meetings were held with over 15 representatives of government and non-government stakeholders
- an online survey ran from November 13, 2019 until January 5, 2020, and 2,733 responses were received
- written submissions were accepted, resulting in 25 submissions

Adoptions have occurred in Nova Scotia for more than 100 years, and the attitudes toward adoption, birth parents, adopted persons, adoptive parents, and the sharing of information contained in adoption records have evolved over the decades.

Adoption records are a sensitive and personal matter. Every adoption story is different, and circumstances change for people over time. Some adopted persons may want to know about their birth families and their origins, while some birth parents may want to know how their children who were placed for adoption are doing. Conversely, some people want to keep their information private.

Over the last 25 years, every other province in Canada introduced open adoption records legislation. This legislation allows information that identifies a party to an adoption to be shared without the consent of the other party, subject to various forms of Disclosure Vetoes.

We, as government, need to do what's best for all Nova Scotians by considering the full range of their desires and concerns as we form recommendations on any proposed changes to legislation.

Overall, most of the consultation participants indicated they are in favour of moving toward open adoption records legislation. However, these consultations also found that Nova Scotians hold passionate yet opposing views about how best to share information from adoption records.

This report provides a summary of findings from the consultation, with a focus on the results from the survey; key themes were identified and are described. A Glossary of Terms is provided opposite, to ensure consistent interpretation of the data. Two appendices are included that show the consultation questions and consultation details.

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The following is a summary of the results from the survey respondents:

Question	Responses <sup>1</sup>
<p>What is your connection to adoption?                      Respondents were asked to select all applicable options. Those who had multiple connections to an adoption are reflected in each of the categories they selected.</p>	<p>34.8% adopted persons    31.4% family members                      9.6% birth parents        12.2% prefer not to say                      9.9% adoptive parents    7.9% other</p>
<p>Do you think our current law gives enough access to identifying information?</p>	<p>17% of survey respondents selected yes  <b>82% of survey respondents selected no</b></p>
<p>If Nova Scotia decides to change the <i>Adoption Information Act</i>, do you think that identifying information contained in new adoption records should be shared without consent?</p>	<p><b>72% of survey respondents selected yes</b>                      27% of survey respondents selected no</p>
<p>Do you think there are benefits to sharing identifying information from new adoption records without consent?</p>	<p><b>79% of survey respondents selected yes</b>                      19% of survey respondents selected no</p>
<p>Do you have concerns about sharing identifying information from adoption records without consent?</p>	<p>34% of survey respondents selected yes  <b>64% of survey respondents selected no</b></p>
<p>If Nova Scotia passes an open adoption records law, to which adoptions should a Disclosure Veto apply?</p> <ul style="list-style-type: none"> <li>– All adoptions—those granted before and after the law changed</li> <li>– Only adoptions granted before the law changed</li> </ul>	<p><b>65% of survey respondents selected “all adoptions – those granted before and after the law change”</b>                      22% of survey respondents selected “only adoptions granted before the law changed”</p>
<p>If Nova Scotia passes an open adoption records law, how should we treat past refusals to release identifying information?</p> <ul style="list-style-type: none"> <li>– Ask those who want to keep their information private to file a Disclosure Veto.</li> <li>– Consider past refusals as a Disclosure Veto.</li> </ul>	<p><b>62% of survey respondents selected “ask those who want to keep their information private to file a Disclosure Veto”</b>                      26% of survey respondents selected “consider past refusals as a Disclosure Veto”</p>

<sup>1</sup> Any discrepancies in the responses totaling 100% is due to respondents who provided ‘no response’ to a particular survey question.

### ***Executive Summary (continued)***

The sharing of information contained in adoption records is a complex issue with many considerations; however, throughout the consultation, most of the consultation participants indicated a readiness to move forward and make a change to legislation.

Arising from the consultation, the following key themes were identified:

#### **Current Law Does Not Provide Enough Access to Identifying Information**

Most of the Nova Scotians who participated in the consultation indicated they experience many challenges because of the limitations of the current *Adoption Information Act*. One of the challenges noted by adopted persons was not having a strong sense of identity. Many consultation participants, specifically those who identified as an adopted persons, felt that being prevented from learning information about themselves and their birth families may raise a Human Rights issue. They were also of the view that government has adoption information but does not share it.

Consultation participants noted impacts to their health and well-being caused by the lack of available accurate and up-to-date family medical history.

#### **Readiness to Move Toward Open Records Legislation**

Most of the consultation participants identified a readiness to move toward open records legislation. This was true across survey respondents regardless of their connection to adoption.

#### **Disclosure Vetoes Should Apply to All Adoptions**

Many consultation participants expressed the importance of treating all adoption records and parties to an adoption equally, regardless of when the adoption occurred. Consultation participants noted that a party to an adoption should always have the right to say no, but also have the right to change their mind and remove a Disclosure Veto at any time.

While most of the consultation participants supported the application of Disclosure Vetoes, there were some consultation participants who indicated a strong objection to their use in open records legislation. Of those who indicated a strong objection, approximately 7 per cent provided additional comments.

In general, there was support from consultation participants for 'opting out' of sharing identifying information rather than requiring an individual to provide their consent. If open records legislation is enacted, most consultation participants indicated that those who wish to keep their information private, including those who had previously refused to release identifying information, should be required to file a Disclosure Veto.

#### **Bring Nova Scotia in line with the Rest of Canada**

Consultation participants who supported open adoption records noted that they wanted government to act promptly and bring Nova Scotia in line with the rest of Canada. They stated that based on what they have seen in other jurisdictions in Canada, there appear to be few negative consequences.

Consultation participants asked government to find the best solution for the majority of Nova Scotians directly impacted by adoptions, and continue to move forward.

## Report

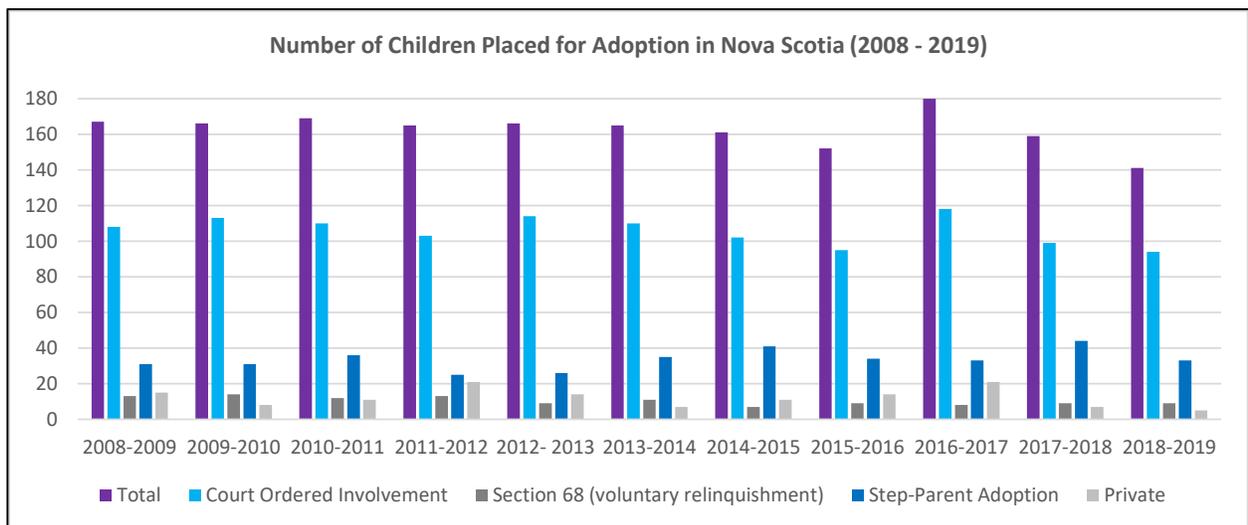
The Nova Scotia Department of Community Services, through its Child, Youth and Family Supports Division, is responsible for the administration of adoptions throughout the province.

As noted, adoptions have been recorded in Nova Scotia for more than 100 years. The Department of Community Services holds the records for about 31,800 adoptions granted during this time.

Since the mid-1940s, adoption records in Nova Scotia have been sealed. This means that neither the courts nor the government share information from adoption records with anyone. This practice was thought to be in the best interests of the adopted person and was intended to protect the privacy of the birth parents, the adopted person, and the adoptive parents.

In 1996, the Government of Nova Scotia passed the *Adoption Information Act* (the Act). The goal of this legislation was to balance the right to know with the right to privacy. The Act also lets adopted persons and birth parents share identifying information, with everyone's consent, through the Adoption Disclosure Program.

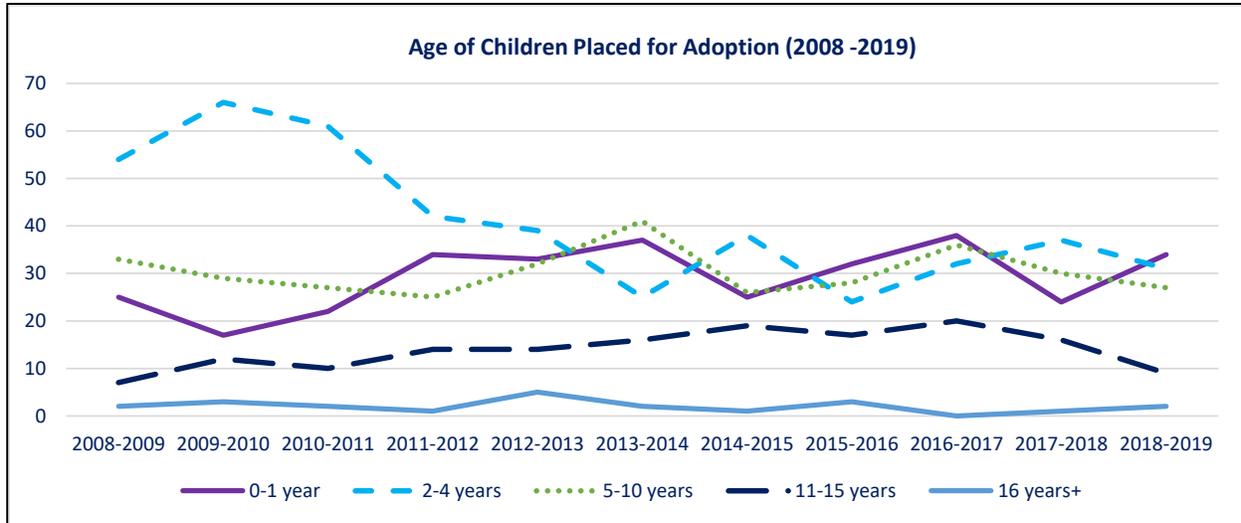
Over the last 11 years, an average of 163 children were adopted each year in Nova Scotia.



This includes children placed by the Department of Community Services, either through court-ordered involvement or voluntary relinquishment (Section 68 of the *Children and Family Services Act*), step-parent adoptions, and private adoptions.

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In looking at the past ten years, with the exclusion of step-parent and private relative adoptions, most adoptions each year involve children who, through child protection involvement, have come into the permanent care of the Minister of Community Services as the result of a court order. The average number of newborn voluntary adoptions over the past ten years is 9 per year.



### *Adoption Records*

The contents of adoption records vary widely. Older adoption records often contain less information than newer adoption records, and much of the information is limited to what was provided at the time of the adoption by the birth parent(s).

At a minimum, adoption records contain the names of the birth mother, the adoptive parents, and the adopted person, as well as the birth date of the adopted person and the date the adoption was granted. Historically, there has been limited or no information concerning the birth father.

Some adoption records also include a social and medical history of the birth parent(s) and an adoptive family home study report. More recent records contain more detailed non-identifying information on the birth family.

There has never been a requirement for birth parents to update the information provided at the time of the adoption. Because of that, adoption records often do not contain current medical or family history.

### *Changing Landscape of Adoption*

Over the years, adoption practices and attitudes toward adoption in Nova Scotia and around the world have changed.

In the last 10 years, adoptions granted in Nova Scotia have become more open. For example, some adoptive parents send updates to birth parents through a provincial social worker, and some birth parents and adoptive families contact each other directly.

However, there are situations where birth parents or adoptive parents wish to remain anonymous, or where openness is not considered to be in the child's best interest.

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Technology and the internet have had an impact on the landscape of adoption. Social media platforms (e.g., Facebook) and DNA-based organizations (e.g., Ancestry DNA, 23 and Me), have enabled parties to an adoption to search for and reach out to their birth families without government involvement.

*Adoption Disclosure Program*

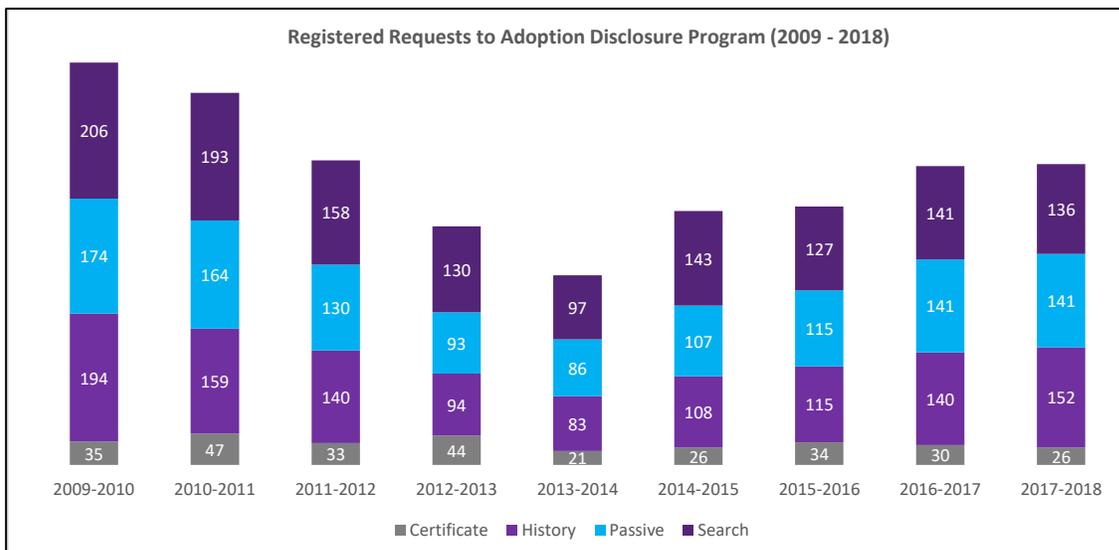
Nova Scotia’s Adoption Disclosure Program was created to implement the provisions of the *Adoption Information Act*. Through the Adoption Disclosure Program, adopted persons, birth parents, and adoptive parents of children under the age of 19 can receive non-identifying background and medical information.

The Adoption Disclosure Program manages and maintains the Passive Adoption Register, which is a list of adopted persons, birth parents, or birth siblings and relatives (in some situations) who are interested in contact with another person involved in the adoption.

The Adoption Disclosure Program is able to search for a birth parent, an adopted person over the age of 19, or a birth sibling (with consent) who may be seeking identifying information, a reunion, or further non-identifying information such as medical. With consent, a family member may apply for information on behalf of an adoptee, birth parent, or a birth sibling.

Between April 2009 and March 2018, 3,963 requests were made to the Adoption Disclosure Program. These requests were for one or more of the following reasons:

- **Certificate:** someone has requested an adoption certificate
- **History:** someone has requested non-identifying information
- **Passive:** someone wants to register on the Passive Adoption Register
- **Search:** someone has requested a search for their birth parent(s) or for an adopted person



## Introduction to the Consultation

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In the Spring of 2019, the Minister of Community Services announced the Province would look into opening adoption records and wanted to hear from Nova Scotians.

To hear from as many Nova Scotians as possible, a variety of methods were used, including an online survey, community information sessions, and an email address to gather written responses. In addition, discussions with key stakeholder groups both internal and external to government were held.

An introduction to these different consultation methods follows, while further details can be found in Appendix 2 – Consultation Details.

It is important to note that some of the findings and commentary made in the online survey provided perspectives that were not heard through the other consultation methods; where differences exist, they have been noted.

### **Online Survey**

Between November 13, 2019 and January 5, 2020, an online survey was used to provide all Nova Scotians with an opportunity to provide their opinions. The resulting 2,733 responses<sup>2</sup> to the online survey were considered in the development of this report.

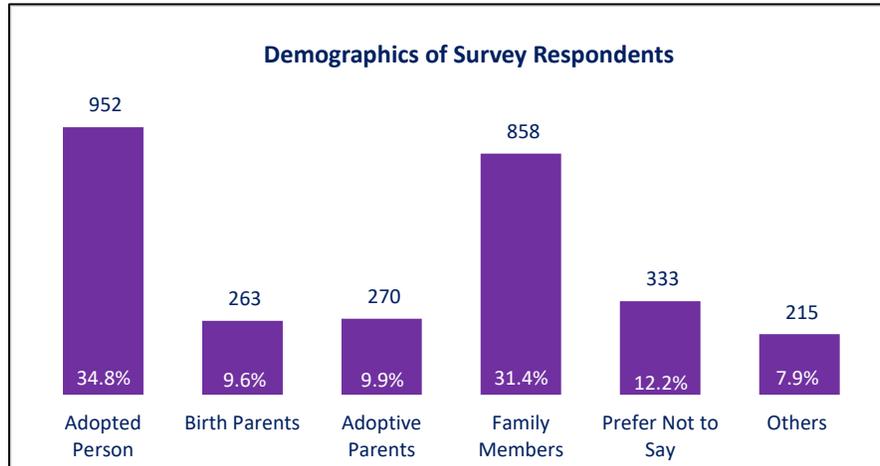
Survey respondents were asked to identify their applicable connections to an adoption, with some respondents identifying themselves across several groups. Of the total responses received:

- 952 (34.8 per cent) self-identified as adopted persons
- 263 (9.6 per cent) self-identified as birth parents
- 270 (9.9 per cent) self-identified as adoptive parents
- 858 (31.4 per cent) self-identified as family members
- 333 (12.2 per cent) preferred not to identify their connection to adoption
- 215 (7.9 per cent) self-identified as ‘other’, which included: friends of an adopted person, a birth parent, or an adoptive parent; professionals such as genealogists, social workers, and health care workers; individuals who are considering adoption or are in the process of becoming adoptive parents; and other interested citizens

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<sup>2</sup> The total responses depicted in the chart on the following page is greater than the number of responses received, due to how survey respondents identified themselves across one or more category.

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**Community Information Sessions**

A total of 11 community information sessions were held across the province in the following locations:

- New Minas
- Bridgewater
- Yarmouth
- Truro
- Eskasoni First Nation
- Université Sainte-Anne, Halifax and broadcast to Pointe-de-l’Eglise, Tusket, St. Joseph-du-Moine and Petit-de-Grat
- Sydney
- Port Hawkesbury
- Halifax
- Millbrook First Nation
- Dartmouth

A total of 104 participants attended these sessions and self-identified as adopted persons, birth parents, adoptive parents, social workers, Members of the Legislative Assembly, reporters for local newspapers, and or other interested citizens.

**Written Responses**

A total of 25 written submissions were received via email or from attendees at the various community information sessions.

**Stakeholder Meetings**

Meetings were held to gather the perspectives and experiences from stakeholder groups and professionals with a breadth of experience. In-person meetings or telephone calls were held with over 15 representatives across the noted stakeholder groups.

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This included the following groups, both internal and external to government:

Government of Nova Scotia	Department of Internal Services (Information Access and Privacy)	Department of Internal Services (Information and Privacy Commissioner)	Department of Community Services (CYFS – Adoption Services)
	Nova Scotia Advisory Council on the Status of Women	Service Nova Scotia (Vital Statistics)	Office of Aboriginal Affairs
Non-profit Organizations / Advocacy Groups	Origins Canada	Nova Scotia Adoptee Advocacy Group	60s Scoop Legacy of Canada

*Consultation Participants vs. Survey Respondents*

Throughout this report the terms “**consultation participants**” and “**survey respondents**” are used to identify the sources of consultation information supporting the key themes. See the Glossary of Terms for definitions.

## Findings

This section summarizes the comments made by those who participated through one or more of the consultation methods. All of the consultation information collected through the online survey, email and written submissions, community information sessions, and stakeholder meetings was reviewed and analyzed.

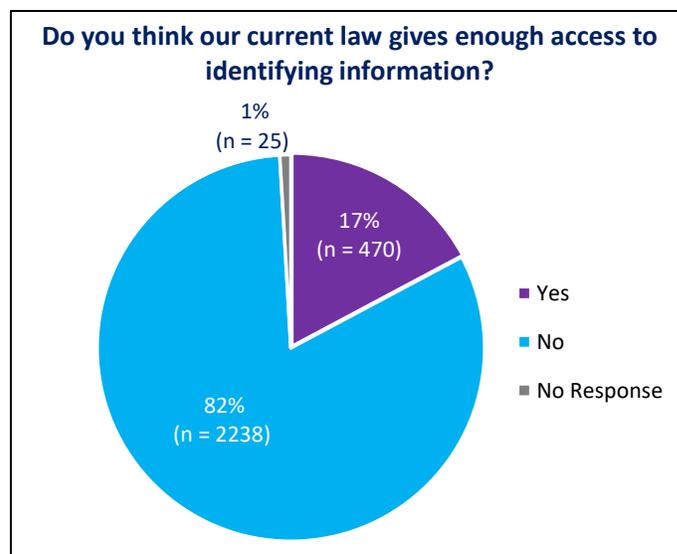
The analysis of the consultation results allowed for the identification of key themes and perspectives offered by participants. These results have been grouped together and presented by theme.

Some of the findings and commentary made in the online survey provided perspectives that were not heard during the community information sessions; these differences in perspectives are noted.

### Current Legislation and Practices

**There is not enough access to identifying information under the current law.**

82 per cent of survey respondents indicated that there was not enough access to identifying information under the current law; 17 per cent of the respondents indicated they felt the current law gives enough access to identifying information.



Many adopted persons indicated that growing up without access to their information left them feeling like a piece of them was missing. They also expressed the belief that government, under the current *Adoption Information Act*, has information but does not share it.

**Some survey respondents believe that the current Act is appropriate in requiring**

Those survey respondents who held an opposing view and identified as adopted persons, birth parents, and/or adoptive parents noted their belief that the right to privacy should be paramount.

**consent to access adoption information.**

They indicated that they believed the Act provides enough access to identifying information and indicated that obtaining consent from both parties before releasing information is critical to maintaining their privacy. They noted that current processes allow them to share information as necessary and or appropriate.

These survey respondents further noted that the Act ensures their safety and the protection they desire, while respecting the privacy and decision of another.

**“I *strongly fear* the idea that my adult identity would be shared with strangers that I do not know”**  
– Adopted Person

**Many consultation participants expressed that not having access to their identifying information is a human rights issue.**

Consultation participants raised the issue of the human right to know your own identity. They noted that right includes knowing who your birth parents are.

It was noted that a child has no say in their adoption, yet are the person most significantly impacted by the event. Consultation participants noted feeling discriminated against and being treated like second-class citizens. They also noted their right to know information about their background and heritage is critical to their well-being.

**“The adoptee *did not give permission* to take away their original family information and when they are of age should be allowed to access it”**  
– Adopted Person

Consultation participants felt the Act is not focused enough on the adopted person. Many indicated their belief that the rights of the adopted person should supersede the rights of all other parties to the adoption.

Adopted persons noted that they often require permission from birth and adoptive parents to be able to access information about their lives and the circumstances which resulted in them being adopted; this leaves them feeling like they are unable to freely access information about themselves.

Many adopted persons asked during the consultations why the privacy of the birth parent or adoptive parents trumps their own right to access their information.

**“My rights are just as important and deserved as every other member of society”**  
– Adopted Person

**The absence of current and accurate medical**

Under the Act, medical history is often limited to information that was gathered at the time of the adoption, unless a party to the adoption has

**history was repeatedly raised as an issue.**

updated their information. Medical histories taken at the time of the adoption were noted to be brief and outdated for adopted persons. It was also noted by consultation participants that the lack of birth father information creates a medical void.

Consultation participants indicated that an up-to-date medical history was an important piece of information they were seeking when searching for a birth family member.

The repercussions of incomplete and inaccurate medical information impact not only the adopted person, but their children, grandchildren, and any birth siblings. Some consultation participants expressed mental and emotional distress over not being able to simply ask for, or share, important medical history information with their birth family members.

They noted the frustration associated with not having sufficient knowledge of family medical history when meeting with physicians. For some consultation participants, the lack of medical history resulted in: extensive rounds of testing; missed or late diagnoses of life-threatening diseases; and an inability to protect themselves and their children from genetic medical conditions they were unaware of.

Consultation participants who identified as adopted persons and adoptive parents also noted that they felt helpless as parents when they could not provide enough information to doctors when their children faced medical issues.

“I love the fact that I was adopted but the **hardest thing** I have to face, particularly as I get older is **not knowing any of my family medical history.**”  
– Adopted Person

**Adopted persons may not have a strong sense of identity because they are unable to access information about themselves and their history.**

Consultation participants noted feeling rootless, of being adrift without an anchor, and on the outside looking in when they are unable to access information about themselves and their history.

Consultation participants expressed concern about adopted persons having lost their identity because their race, ethnicity, or cultural heritage was not shared with them, and/or may not have been properly recorded in their adoption record. This was particularly noted for those of African Nova Scotian or Indigenous heritage.

It was noted that adopted persons were at increased risk of missing out on benefits available to them through various government programs (e.g., post-secondary education support) because they were not aware of their heritage.

Consultation participants also expressed a longing to connect with their own culture, in addition to or instead of the culture of their adoptive family, whether that be African Nova Scotian, Indigenous, Acadian, Scottish, Irish, and so on.

*“As an adoptee you can claim your adopted family's history but always know in the back of your mind that it is not your true history”*

– Adopted Person

Adopted persons who participated in the consultations also noted their worry about entering a romantic relationship with someone who might turn out to be a relative. For some, this fear was seen as being significant enough to keep them from pursuing romantic relationships and having children of their own.

**The definition of birth father under the Act means that for many, this information is missing or is unable to be disclosed.**

Consultation participants expressed concerns about the treatment of information relating to birth fathers under the Act. A person is not considered a birth father under the Act unless he acknowledges his paternity in some way. Particularly in past adoptions, the consent of the birth father was not required, and some birth fathers may not have known about the pregnancy.

Adopted persons who participated in the consultations stated they were missing information about their birth fathers and were unable to obtain information unless they were assisted by their birth mother. Some noted that in circumstances where the birth mother refused contact, their chance of learning the identity of their birth father was lost.

Consultation participants who identified as adopted persons and children of adopted persons also noted that, without information about the birth father, they are missing half of their heritage and family history.

**Parties to an adoption are using commercial DNA testing and social media to search for birth family members.**

Consultation participants pointed out that the connections offered by social media platforms and commercial DNA testing companies are beginning to make adoption records legislation obsolete.

They indicated that adopted persons are turning to these new means to search for their birth family members. Adopted persons noted that through these methods, they often need to contact numerous extended family members before they reach their birth parents.

Use of social media and DNA testing to connect with birth parents or an adopted person was identified by consultation participants as a potentially traumatizing experience for both parties. The examples provided include the increased risk of “outing” a birth parent whose

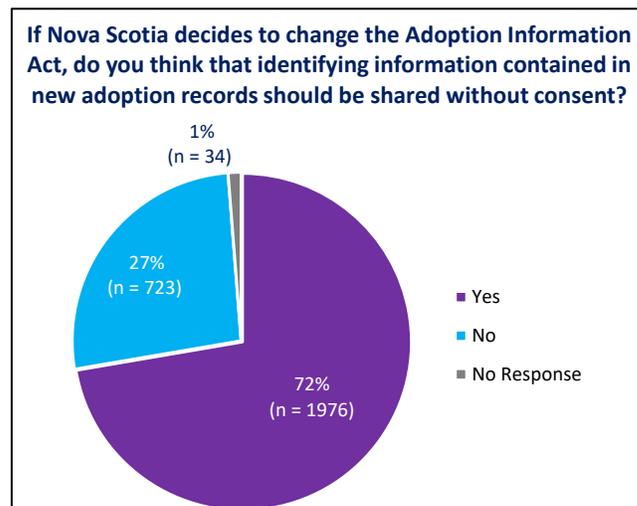
family is not aware of the adoption, and the consequences of what may be considered an intrusion in an individual's life.

Some consultation participants noted that, due to cost barriers, access to DNA testing is not a service that is readily available or accessible to all who wish to search for their birth families.

## Open Records

**The sharing of identifying information without consent should apply to all adoptions, not just new adoptions.**

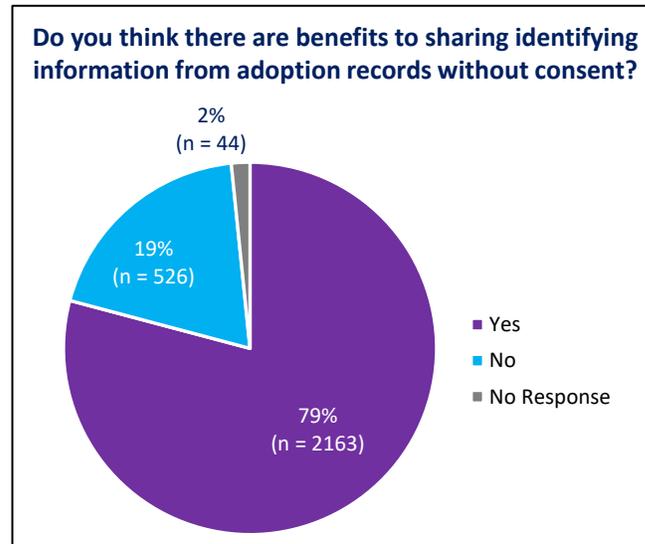
72 per cent of the survey respondents agreed that identifying information contained in new adoption records should be shared without consent; about 27 per cent of respondents did not agree with this statement.



While the question specifically asked about sharing identifying information from new adoption records, some consultation participants noted that identifying information should be shared without consent from all adoption records.

**There are benefits to sharing identifying information from adoption records without consent.**

79 per cent of survey respondents indicated that there are benefits to sharing identifying information from adoption records without consent; 19 per cent did not agree with this statement.



### Benefits of Open Records

The following benefits were expressed by consultation participants regarding open adoption records:

**Access to accurate, up-to-date medical information.**

Many consultation participants noted the benefits of being able to obtain accurate, up-to-date medical information, and the positive impact this would have on them as individuals, their families, as well as on the health care system in general.

Examples identified by consultation participants included:

- No longer having to subject themselves, or their children, to extensive testing when trying to diagnose an unknown illness
- No longer feeling the embarrassment associated with not being able to provide a physician with an accurate family medical history

**Reduced time and emotional energy are spent searching for information.**

Consultation participants who identified as adopted persons noted the amount of time, effort, and emotional energy they have invested in searching for information about themselves. They noted their belief that opening adoption records will free them up to live their lives fully.

“Knowing who you are is a *fundamental need* for most people. The major benefit would be **healing for the many adopted people** who feel incomplete, have lower self esteem, or struggled with other consequences from not knowing their own identity.”

– Retired Social Worker

**Able to access information without a requirement for contact.**

Some consultation participants noted that open adoption records give an adopted person or birth parent the opportunity to access the identifying information they are seeking without requiring that they contact the other person.

Consultation participants noted that the desire to make contact often changes over time, depending on the circumstances and situations that are present in an individual’s life. They indicated that with open records, each party could have access to their identifying information, but even though they access the information, they are not required to make the decision about whether or not to pursue contact.

It was noted by consultation participants that open records would also allow adopted persons to connect with birth siblings and other birth family members.

*Concerns about Open Records*

The following concerns were expressed by consultation participants regarding open adoption records:

**Everyone should always have a choice and be required to give consent before identifying information is shared.**

The consultation participants who opposed the sharing of identifying information without consent noted that either the adopted person or birth parent should always be able to decide and give their consent before identifying information is shared.

Although not raised during the community information sessions, the comments made by survey respondents who were opposed to opening adoption records indicated that the right to privacy was vital. They noted that they wanted to control their own information, and be able to decide who they would or would not share it with.

For example, these comments were made by:

- Adopted persons who felt no connection to their birth families and wanted to control who had access to their identifying information
- Birth parents who were terrified at the prospect of being contacted

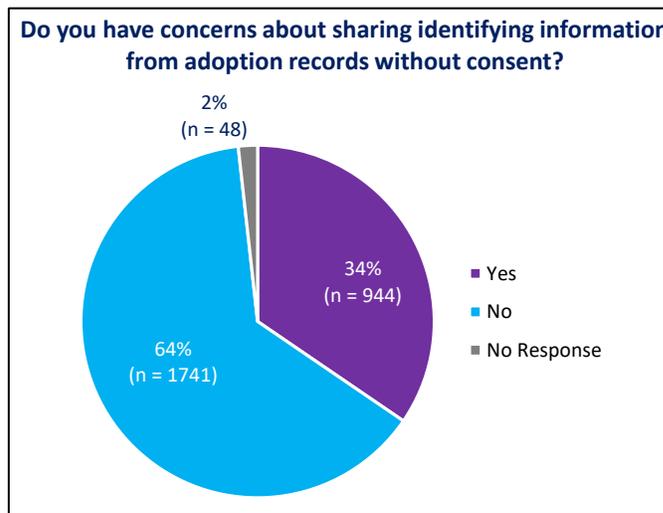
**It is important to ensure the safety of adopted persons and prevent trauma or re-victimization of all parties to an adoption.**

- Adoptive parents who were concerned about birth parents who had previously harmed a child

Some of these survey respondents considered the sharing of information without their consent to be a violation of their right to privacy.

**“Sharing identifying information without consent is a violation of privacy. The potential for unintended negative consequences is enormous”**  
– Adopted Person and Birth Parent

64 per cent of survey respondents indicated they had no concerns with sharing identifying information from adoptions records without consent; 34 per cent indicated they had concerns.



Consultation participants were sympathetic to circumstances in which the birth may have been the result of a traumatic event for the birth mother and would not want to cause further trauma or re-victimization.

They also noted that they were concerned about adoptions that resulted from child welfare involvement. They were troubled by birth parents who may have harmed their child being able to receive identifying information once the adopted person reached the age of 19.

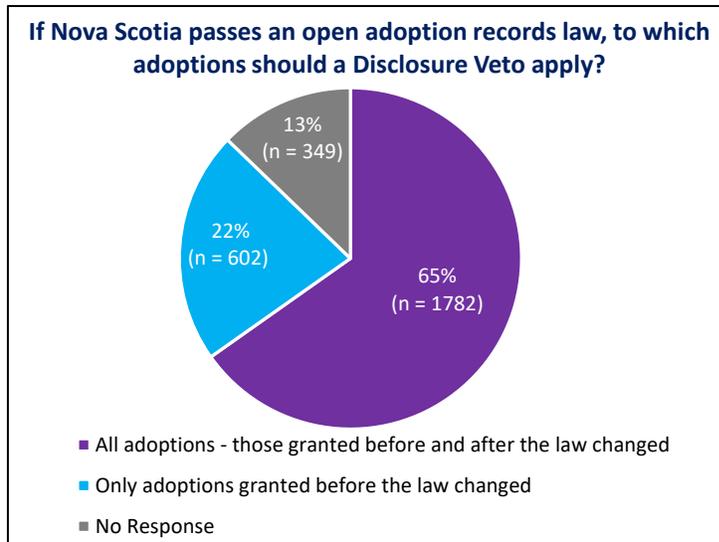
Consultation participants expressed that the safety of an adopted person was important, and noted a desire to avoid any additional trauma or re-victimization for either the adopted person or the birth parent.

Some consultation participants questioned whether open records would discourage a birth parent from placing their child for adoption and instead pursue other options.

## Disclosure Vetoes

**Disclosure Vetoes should apply to all adoptions.**

65 per cent of survey respondents noted that a Disclosure Veto should apply to all adoptions granted before and after the change; 22 per cent noted that only adoptions granted before the change to the law should be subject to a Disclosure Veto.



**All adoption records should be treated equally, regardless of when the adoption occurred.**

Many consultation participants indicated it would be important for all adoption records to be treated equally, regardless of when the adoption occurred.

It was noted that applying restrictions to adoption records granted before any potential legislative change would continue to treat a group of adopted persons and birth parents differently, and this would continue to restrict their access to information critical to their lives.

In general, the principle of “opting out” of sharing identifying information was seen as a positive change by most consultation participants, as opposed to the current Act which requires a person to “opt in” to sharing identifying information.

**A party to an adoption should always have the right to say no.**

Those who identified as supporting Disclosure Vetoes for all adoptions felt that people should always have the right to say no. They also expressed that the right to say no should be available to both the adopted person and the birth parent.

“If [a Disclosure Veto] goes for all adoptions it gives everyone the chance to choose if they want to look into that or not. And even if you don't and the other parties do, you still have the right to say no.”

– Family Member

Additionally, they noted that they wanted to allow a person to remove a Disclosure Veto at any time, recognizing the changing circumstances in people's lives over time.

**There wasn't a clear view on which party to an adoption should be able to register a Disclosure Veto.**

Some consultation participants felt that an adopted person should have the ability to register a Disclosure Veto on any adoption (before and after legislative changes), while birth parents should only be able to register a Disclosure Veto for adoptions granted prior to any legislative change.

It was also noted by consultation participants that an adopted person should have the ability to choose whether or not they wish their birth parent to be able to learn their identity.

“There should be no veto for bio-parents. This is a human right for children to know their bio-heritage. The adopted parties should be the only people who can exercise a veto.”

– Adoptive Parent

This was indicated to be an important safety measure for adopted persons who had come into care and were adopted after child protection involvement.

**Options regarding the application of a Disclosure Veto on an adoption record should be considered.**

Discussions at the community information sessions led to the exploration of some options by consultation participants that could also be considered when allowing a Disclosure Veto to be placed:

- Requiring that up-to-date medical information be provided in order to file a Disclosure Veto
- Having Disclosure Vetoes expire at regular intervals (e.g. every 5 years) and requiring that they be renewed, similar to a driver's license
- Ensuring that a Disclosure Veto would expire upon the individual's death

**Some consultation participants provided a strong objection to a Disclosure Veto**

Although the survey did not specifically ask whether use of a Disclosure Veto was an appropriate tool for open records legislation, approximately 7 per cent of survey respondents provided additional comments indicating a strong objection to any veto or restriction that would limit a person’s ability to obtain identifying information.

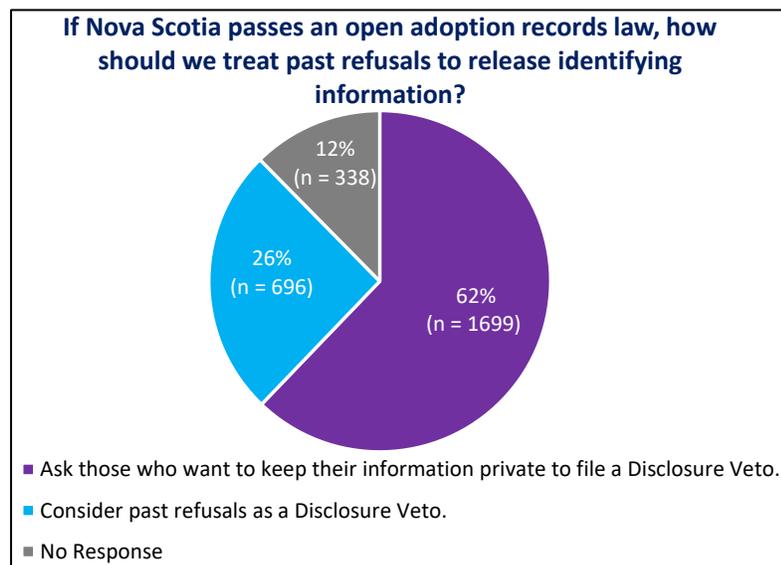
It was noted by some consultation participants that open records legislation that includes a Disclosure Veto could mean individuals experience the same challenges as they do under the current Act when trying to access their information.

**“NO veto at all, for past or present”**  
– Adopted Person

### Past Refusals

**Those who previously refused to release identifying information should be required to file a Disclosure Veto.**

Sixty-two per cent of survey respondents noted that individuals who had previously refused to release identifying information and those who wish to keep their information private should be asked file a Disclosure Veto; 26 per cent noted that past refusals to share identifying information should be considered a Disclosure Veto.



**Parties to an adoption change their mind**

Many consultation participants who identified as adopted persons and birth parents stated that they may change their minds regarding contact over their lifetime as their situation changes.

**regarding contact over their lifetime.**

It was noted that birth mothers have at times been unaware of, or do not remember, having placed a refusal on their file. As such, consultation participants indicated that a new Disclosure Veto should be completed if a person still wishes to maintain their privacy.

Some consultation participants also felt that someone who had previously refused contact should be asked again; however, some noted that contacting someone who had previously been unwilling to have contact could have a traumatizing impact.

## Contact Notices

**Contact Notices are an appropriate measure to maintain privacy under open records legislation.**

There were no consultation questions specifically asked regarding Contact Notices. However, through discussions at community information sessions and comments made by survey respondents, those consultation participants who were supportive of moving to open records legislation felt that Contact Notices were an appropriate measure to maintain privacy.

While most consultation participants indicated that they believed Nova Scotians would respect that another party chose not to have contact, some expressed their concern that Contact Notices would be difficult to enforce.

One example that was provided was the readily available access to social media that could make it difficult to prevent well-meaning friends or family members of the adopted person or birth parent from pursuing contact with the person who registered a Contact Notice.

## Supports and Services

**There is a lack of awareness regarding the Adoption Disclosure Program.**

A number of consultation participants were unaware of the Adoption Disclosure Program and or had received mixed information about what was and was not possible under the Act, including who could apply for identifying information.

Consultation participants indicated that they believed there was misinformation about what was available in adoption records.

Some consultation participants expressed frustration with the services provided by the Adoption Disclosure Program. Specifically, these

**Lengthy wait times for service through the Adoption Disclosure Program.**

participants indicated their belief that the Adoption Disclosure Program has access to more information than what is provided and that the Program may not be providing all the information the adopted person believes they are entitled to receive.

Consultation participants noted that there were lengthy wait times for service through the Adoption Disclosure Program, and there were questions about whether the Program was able to meet the current demands.

Several consultation participants reported waiting more than two years before they could obtain their own non-identifying information and have the search for their birth parent started. During that time some participants noted that they had turned to private DNA services and successfully located birth family members.

Some consultation participants noted that during the time they spent waiting for a search to be completed, their birth parents were no longer available to be contacted due to illness or death.

**There is a desire for supports and services by professionals well-versed in adoption trauma.**

Consultation participants felt that government has a responsibility to offer services and support by professionals who are well-versed in adoption trauma, for example, when accessing the Adoption Disclosure Program.

It was noted by consultation participants that the various parties to an adoption have unique needs, particularly for those who may find the reunion process overwhelming. Consultation participants provided the following examples of supports that could be required:

- Processing the information that is shared
- Searching for a birth family member
- Preparing for a reunion with a birth family member
- Dealing with the emotions and results of what it means to be an adopted person, a birth parent, or an adoptive parent

“Adoption is a very sensitive topic for those who are adopted, are birth parents, or have adopted children. There could be some trauma associated with adoption for family involved.

**Mental health supports should also be made available** for those who pursue contact through opening adoption records.”

– Family Member, Sibling of an Adopted Person

While it was noted that support for adopted

persons and birth parents is often needed, there were some adoptive parents who noted during the consultations that they required support as

their child went through the process of searching for and reuniting with their birth family.

## Changing Legislation

**There is concern that Nova Scotia is lagging, when compared to the rest of Canada and open records legislation.**

Consultation participants expressed concern that Nova Scotia was the last province to consider open records legislation and were frustrated with the length of time taken to move forward. They requested that government open the records and allow them to find out about themselves and their heritage.

Consultation participants noted that they believed there is no evidence to suggest that open records legislation is not working well in other jurisdictions.

Many consultation participants asked that government determine the best solution for most people and move forward without delay.

Several consultation participants noted that they were aware of past attempts by government to change adoption records legislation and hoped that there was sufficient support for legislative changes to take effect.

**Nova Scotia can learn from other jurisdictions.**

Some consultation participants felt that Nova Scotia is uniquely positioned to learn from the other jurisdictions in Canada that have open records legislation.

These participants felt that with these learnings, Nova Scotia could consider alternative solutions that would put them ahead of the current practices in use in Canada.

## Appendix 1 – Consultation Questions

To guide the consultation, the following eight questions were used across all the consultation methods (e.g., community information sessions, stakeholder meetings, online survey). The following presents the information submitted by **survey respondents** only.

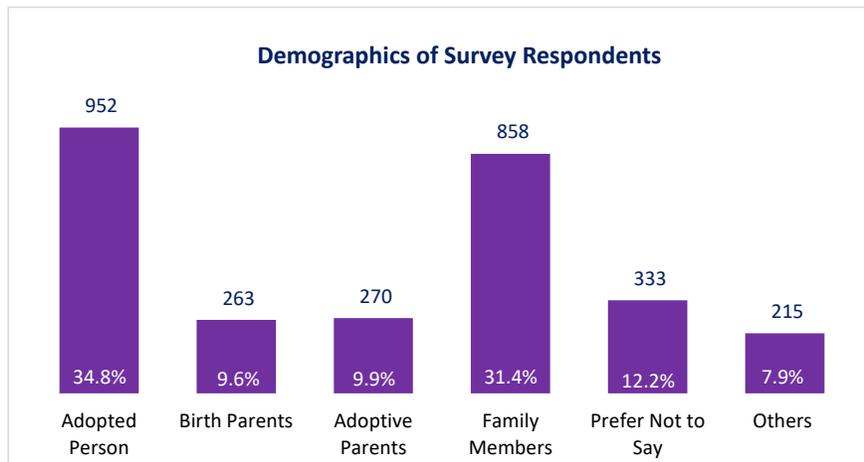
### Question 1

#### What is your connection to adoption?

There were 2,733 unique responses to the online survey.

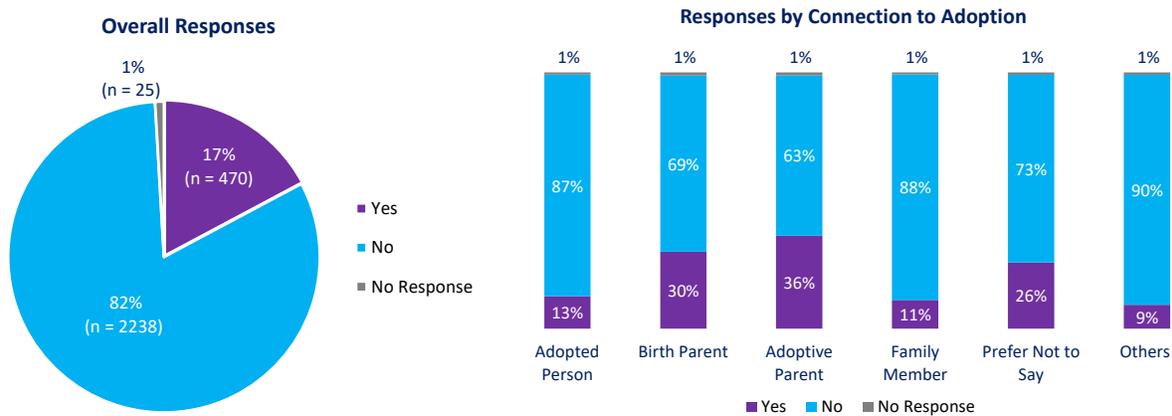
Respondents were asked to identify all applicable connections to an adoption. While most respondents identified themselves within a single group, some respondents identified themselves as part of multiple groups. As a result, the total of the groups is greater than the number of unique responses received.

Below is a graphical breakdown of the survey respondents by their chosen group:



### Question 2

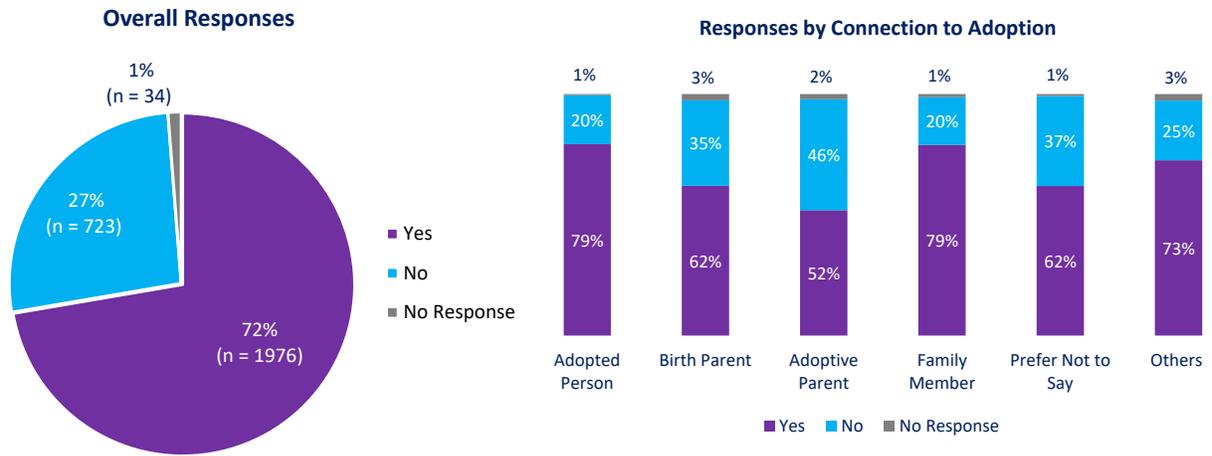
#### Do you think our current law gives enough access to identifying information?



762 comments were made on this question.

### Question 3

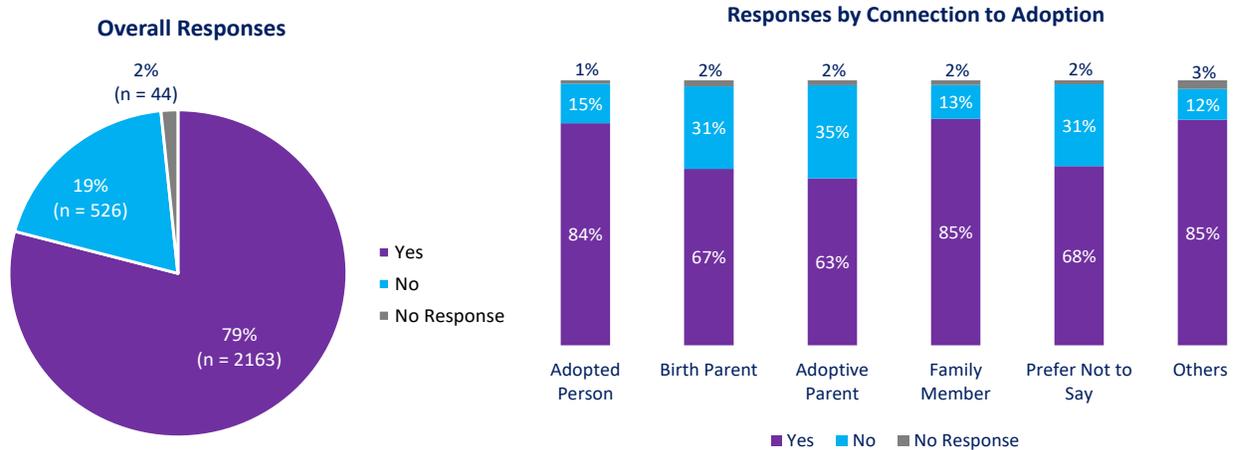
If Nova Scotia decides to change the Adoption Information Act, do you think that identifying information contained in new adoption records should be shared without consent?



729 comments were made on this question.

### Question 4

Do you think there are benefits to sharing identifying information from adoption records without consent?

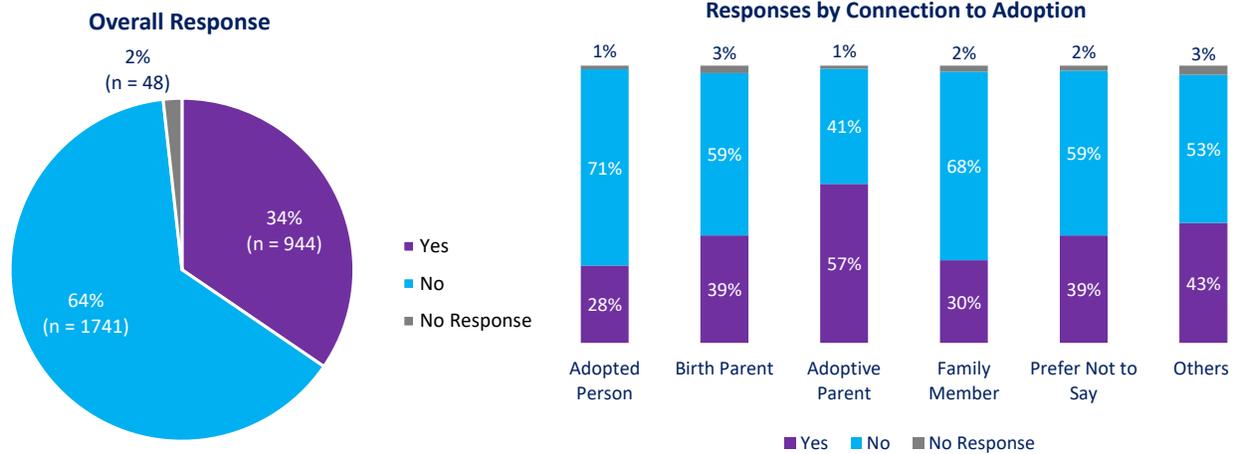


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1,156 comments were made on this question.

Question 5

Do you have concerns about sharing identifying information from adoption records without consent?

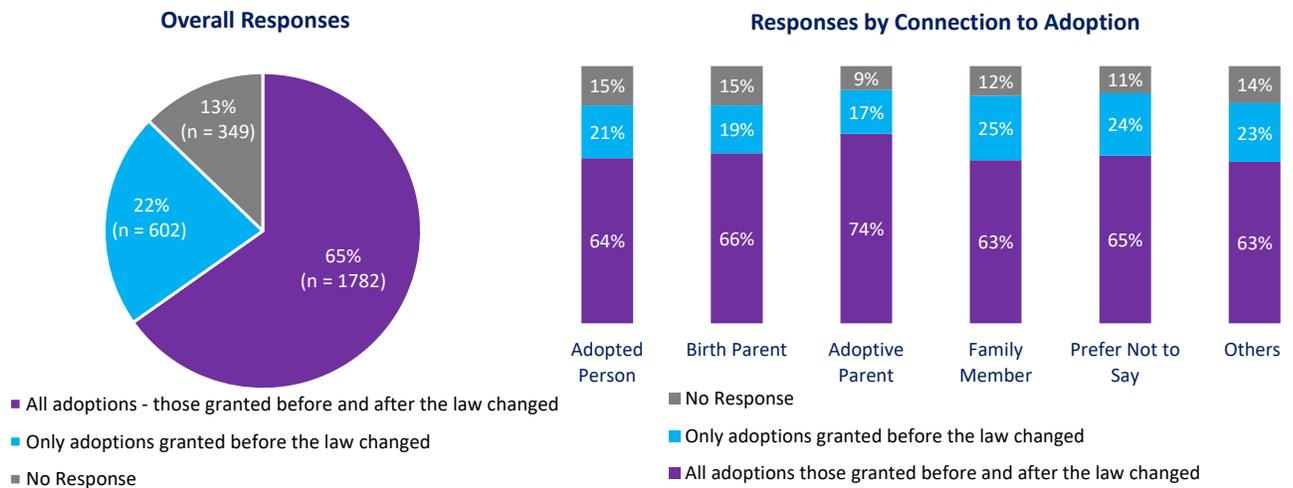


765 comments were made on this question.

Question 6

If Nova Scotia passes an open adoption records law, to which adoptions should a Disclosure Veto apply?

- All adoptions—those granted before and after the law changed
- Only adoptions granted before the law changed

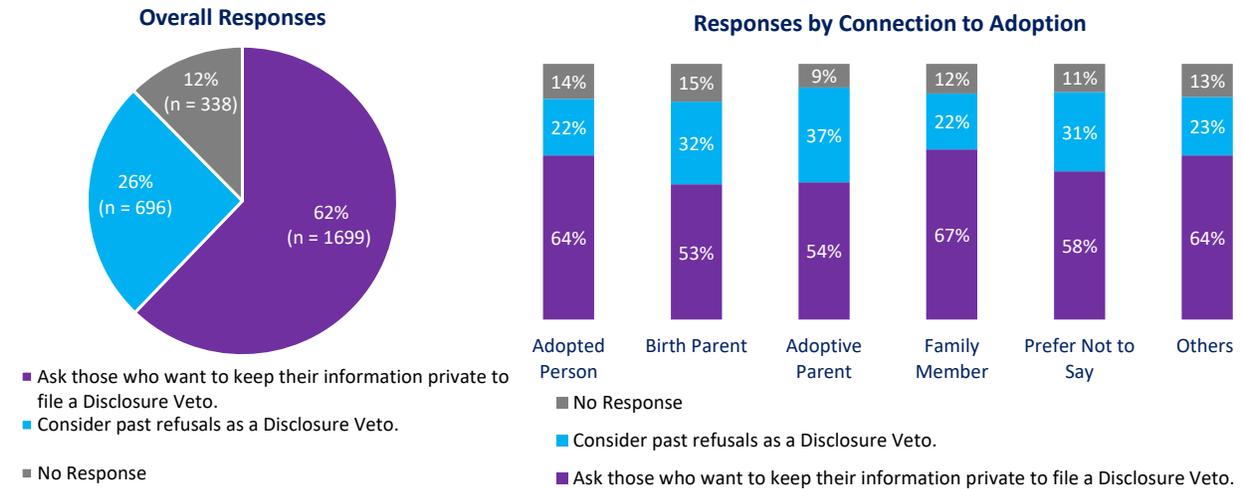


534 comments were made on this question.

## Question 7

**If Nova Scotia passes an open adoption records law, how should we treat past refusals to release identifying information?**

- Ask those who want to keep their information private to file a Disclosure Veto
- Consider past refusals as a Disclosure Veto



434 comments were made on this question.

## Question 8

**Are there any additional comments you would like to make?**

636 comments were made on this question.

## Appendix 2 – Consultation Details

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In the Spring of 2019, the Minister of Community Services said that Nova Scotians would be consulted about how to share information from adoption records.

In order to develop this report, it was important to hear from a wide range of stakeholders who could provide perspectives, relevant knowledge, and experiences with accessing and sharing of information contained in adoption records. To hear from the greatest number of Nova Scotians possible, we used a variety of methods of communication and opportunities to gather feedback. This section outlines each of those methods.

### Online Survey

An online survey was used to provide all Nova Scotians an opportunity to provide their opinion.

- The survey was launched on November 13, 2019 and remained open until January 5, 2020. The survey was available in both English and French.
- A total of 2,733 survey responses were analyzed:
  - The English survey was accessed 5,015 times and was started 3,467 times; 2,732 survey responses were analyzed
  - The French survey was accessed 50 times and was started 5 times; 1 survey response was analyzed
  - 739 responses (across both English and French) provided no response to or comments for Questions 2 through 8. These responses were removed from the analysis, providing a total of 2,733 survey responses that were analyzed
- Some survey respondents provided ‘no response’ to some of the questions, while others provided no comments. The number of survey respondents who did not provide a response to a question has been reflected throughout the reported survey results as ‘no response’.
- Some survey respondents did not answer the questions and instead provided open text comments. These comments were reviewed and considered in the creation of the themes in this report.

### Written Submissions

To provide stakeholders with an alternate method of communication, an email address was provided; 20 email submissions were received between November 13, 2019 and January 16, 2020:

- Some respondents sought clarification on the timelines for the consultation sessions or the survey link; some respondents were looking for relatives and were referred to the Adoption Disclosure Program
- Two external-to-government stakeholder groups requested an additional conversation and received follow-up telephone calls
- Many of the emailed responses provided background, personal stories, or opinions that demonstrated the impacts of the current Act, and or potential legislative changes, on their lives

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In addition to the emailed responses, some attendees at the community information sessions chose to leave written responses with the facilitators; five written responses were received, which captured these individuals' perspectives beyond what was captured as part of the survey questions.

## Community Information Sessions

Community Information Sessions were held in order to gather the perspectives of all Nova Scotians. A total of 11 community information sessions were held across the province; details on these sessions are noted below.

The attendance at the sessions included a total of 104, participants who self-identified as adopted persons, birth parents, adoptive parents, social workers, Members of Legislative Assembly, reporters for local newspapers, and or interested citizens.

At the sessions held in Eskasoni First Nation and Millbrook First Nation, an Elder opened the sessions by performing a traditional song and led opening and closing prayers.

Date	Session Time	Venue (Municipality)	Number of Participants
November 27, 2019	1:00-3:00pm	Louis Millett Community Complex (New Minas)	16 attendees
	6:30-8:30pm	Lunenburg County Multi-Purpose Centre (Bridgewater)	11 attendees
November 28, 2019	1:00-3:00pm	Yarmouth County Museum & Archives (Yarmouth)	8 attendees
November 29, 2019	1:00-3:00pm	Broadcast in French from the Université Sainte-Anne's Halifax campus to all campuses. <ul style="list-style-type: none"> <li>- Campus de Halifax</li> <li>- Campus de Pointe-de-l'Église</li> <li>- Campus de Tusket</li> <li>- Campus de Saint Joseph-du-Moine</li> <li>- Campus de Petit-de-Grat</li> </ul>	0 attendees
December 2, 2019	6:30-8:30pm	NSCC Truro Campus (Truro)	6 attendees
December 3, 2019	2:00-4:00pm	Eskasoni Mi'kmaw Family & Children Services (Eskasoni First Nation)	3 attendees
	6:30-8:30pm	NSCC Marconi Campus (Sydney)	7 attendees
December 4, 2019	1:00-3:00pm	Port Hawkesbury Civic Centre (Port Hawkesbury)	4 attendees
December 7, 2019	1:00-3:00pm	Canada Games Centre (Halifax)	27 attendees
December 9, 2019	1:00-3:00pm	Millbrook Community Hall (Millbrook First Nation)	6 attendees
December 10, 2019	6:30-8:30pm	HG Bauld Centre (Dartmouth)	16 attendees

## Stakeholder Meetings

Stakeholder meetings were held to gather the perspectives and experiences from stakeholder groups and professionals with a breadth of experiences, both internal and external to government, including:

Government of Nova Scotia	Department of Internal Services (Information Access and Privacy)	Department of Internal Services (Information and Privacy Commissioner)	Department of Community Services (CYFS – Adoption Services)
	Nova Scotia Advisory Council on the Status of Women	Service Nova Scotia (Vital Statistics)	Office of Aboriginal Affairs
Non-profit Organizations / Advocacy Groups	Origins Canada	Nova Scotia Adoptee Advocacy Group	60s Scoop Legacy of Canada

In-person meetings or telephone calls were held with over 15 representatives across the stakeholder groups listed above to capture their perspectives.