

# Manitoba is opening birth records related to adoptions

An overview of changes to *The Adoption Act* and *The Vital Statistics Act*

Adult adoptees and birth parents can

- access birth record information
- protect their information

**June 2015** – target date for the new legislation to come into effect

## New Legislation Strikes a Balance Right to Know – Right to Privacy

Many adult adoptees want to find out about their biological origins and cultural heritage. Many birth parents wonder about what has become of their adopted children.

Manitoba's new legislation strives to ensure a balance between the needs and rights of all parties. It allows adoptees and birth parents to access available identifying information. It also allows them to keep their information confidential if they wish.

Manitoba understands that in the past, individuals involved in adoptions were promised confidentiality. Maintaining confidentiality may be a sensitive and important issue for some people involved in adoptions.

### Update Your Contact Information

If you have moved or changed your name/phone number since your last contact with the Manitoba Post-Adoption Registry, please notify us.

Call our toll-free number or complete the *Change of Information* form on the Manitoba Post-Adoption Registry website listed here.

## Accessing Birth Records Related to Adoptions

After the new legislation is in effect

**Adoptees** (18 years or older) can request pre-adoption birth registration information

- if born in Manitoba, and adopted in Manitoba or outside Manitoba
- if born outside Manitoba, but adopted in Manitoba
- unless the birth parent named on the pre-adoption birth registration filed a Disclosure Veto

**A birth parent** named on the pre-adoption birth registration can request the child's pre-adoption birth registration information and the child's substituted registration of birth (which does not include names of adoptive parents)

- when the adoptee is 18 years of age or older
- unless the adoptee filed a Disclosure Veto

### Applying for Access to Records

Adoptees and birth parents will be able to access these records by applying to the Manitoba Post-Adoption Registry. Application forms will be available on the Manitoba Post-Adoption Registry website.

For more information and for application forms, go to [manitoba.ca/adoptionrecords](http://manitoba.ca/adoptionrecords). You can also contact your local CFS agency, or call Manitoba's Post-Adoption Registry at **1-855-837-5542** (toll free in Canada and the US).

**Manitoba** 

# Protecting Your Information Related to Adoption

## **BEFORE** the new legislation comes into effect

For Manitoba adoptions and for adoptions granted outside Manitoba, birth parents and adoptees (16 years of age or older) can restrict access to birth records related to adoptions by filing a Disclosure Veto or a Contact Veto.

### **Disclosure Veto**

- Your Disclosure Veto prohibits the Manitoba Post-Adoption Registry from releasing **any** identifying information about you.
- You may provide a non-identifying letter to share personal, health, or family information.

### **Contact Veto** (can only be filed before the new legislation comes into effect)

- Your Contact Veto allows the Manitoba Post-Adoption Registry to share your identifying information, on the condition that the recipient agrees not to contact you.
- You may provide a letter to share personal, health, or family information.
- The fine for failure to comply with a Contact Veto can be up to \$20,000.

## **AFTER** the new legislation comes into effect

### **Disclosure Veto**

- Existing Disclosure Vetoes will be respected.
- **If the information has not already been released**, a Disclosure Veto can still be filed:
  - for Manitoba adoptions granted **before** the new legislation comes into effect
  - for adoptions granted outside Manitoba **before or after** the new legislation comes into effect
- New Disclosure Vetoes will not be accepted for Manitoba adoptions granted after the new legislation comes into effect.

### **Contact Veto**

- Existing Contact Vetoes will be respected.
- New Contact Vetoes will no longer be accepted. Instead, birth parents and adoptees (16 years of age or older) may file a **Contact Preference**.

### **Contact Preference**

- A **Contact Preference** specifies the type of contact, if any, between a birth parent or adoptee. *These forms will be available from the Manitoba Post-Adoption Registry after the legislation comes into effect.*
- If a Contact Preference is filed, the Manitoba Post-Adoption Registry will only share identifying information, on the condition that the person receiving this information agrees not to breach the terms of the Contact Preference.
- The fine for failure to comply with a Contact Veto or a Contact Preference can be up to \$50,000.

## Aboriginal Persons Supported in Accessing Benefits

Aboriginal adoptees born in Manitoba will be able to request that their pre-adoption birth registration and identifying information about their birth parents be given to a government, organization, or other official, for the purpose of applying for benefits or services to which they are entitled.

## Do you know someone who may be affected by this new legislation?

Please share this information if you know anyone who might want to file a Disclosure Veto or Contact Veto.

## Additional Information

### **Manitoba-born children adopted outside of Manitoba**

- If a child was born in Manitoba but their adoption took place outside Manitoba, the birth parents and adoptee should also contact the jurisdiction where the adoption took place. This may help find additional information and what steps, if any, can be taken to protect their privacy.
- Manitoba will respect confidentiality rights for adoptions granted outside Manitoba, whether they occurred before or after the new legislation comes into effect.

### **Release of information after death**

- A Disclosure Veto will remain in effect for one year after the death of the person who filed the veto. After this period, information may be released to the adoptee or birth parents upon request and with proof of death.

**Disclaimer notice:** This fact sheet provides a brief overview of Manitoba's new legislation. More detailed information, including the actual legislative amendments, is available at [manitoba.ca/adoptionrecords](http://manitoba.ca/adoptionrecords). If you require specific information about how these changes affect you, contact your local Child and Family Services agency or call Manitoba's Post-Adoption Registry at 1-855-837-5542 (toll free in Canada and the US).