

Proposed Amendments to Adoption Legislation

The Adoption Act, 1998

Discussion Guide

May 2026

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Introduction

Saskatchewan is modernizing its adoption legislation to better meet today's social, cultural, and legal landscapes. Amendments being considered focus on four areas:

- Enhancing cultural continuity and community connections;
- Reducing barriers to family connections;
- Clarifying residency requirements; and
- Strengthening safeguards for children in interprovincial and private adoptions.

Overall, proposed amendments are intended to modernize adoption legislation and better reflect the importance of identity, connection and maintaining safeguards for children and adoptees.

Adoption-related topics can be sensitive and evoke strong emotions for some individuals. If you find engaging with this topic difficult, we encourage you to reach out to a community support or other appropriate resources.

Process to Collect Feedback

Your feedback is important and helps us better understand the impacts of proposed amendments.

The Ministry of Social Services gets its legislative and regulatory authority for adoptions from the following pieces of legislation:

- *The Adoption Act, 1998*;
- *The Adoption Regulations, 2003*; and
- *The Intercountry Adoption (Hague Convention) Implementation Act*.

This process is NOT focused on child welfare under *The Child and Family Services Act* (CFSA) and is limited only to the collection of feedback on *The Adoption Act, 1998*.

This document reviews the background and details of the identified issues and requests your feedback on the proposed amendments.

Please note that the timeframe to obtain feedback on the proposed amendments is limited. We are committed to reviewing and considering all feedback received.

Responses will be accepted until June 2, 2026. We look forward to receiving your responses.

Return by email to: cfpadooptionfeedback@gov.sk.ca.

Enhancing Cultural Continuity and Community Connections

Background:

The Adoption Act sets out rules to protect the confidentiality of adoption records and personal information. These protections are intended to balance the best interests of the child with the privacy rights of birth families and others involved in an adoption.

Since the implementation of the federal child welfare legislation, an *Act respecting First Nations, Inuit and Métis children, youth and families*, in January 2020, the ministry has taken steps to strengthen policies and legislation supporting the best interests of the Indigenous child. This includes increased flexibility in information sharing with children, youth and former youth in the care of the ministry. This has helped individuals better understand their identity, family history and cultural connections.

Most jurisdictions in Canada support sharing certain information after adoption to support Indigenous identity and registration.

Why are amendments to enhance cultural continuity and community connections being considered?

The ministry is considering amendments to *The Adoption Act, 1998*, to address long-standing challenges with how information is shared before, during, and after adoption.

The proposed approach seeks to reflect enhancing cultural and community connections while continuing to protect the privacy of those involved and supporting the best interests of children. Areas the ministry is considering amending include:

- Current legislation limits the information that can be shared with prospective adoptive parents, even when this information is important for understanding a child's needs, background, and cultural connections. This can make it difficult for families to make fully informed decisions and for children's cultural and familial identities to be respected in adoption planning.
- The legislation also restricts the information that adult adoptees can access about their own histories. This has created inequities, particularly for adoptees who were formerly in care and want to better understand their family of origin or time in care.
- In some situations, information sharing barriers can also affect children who return to care after an adoption breaks down, creating delays in reconnecting children with important family or cultural supports.
- Additionally, existing policy and regulations limit the ministry's ability to share information with Indigenous registration authorities. This has resulted in unequal access to supports for Métis and Inuit adoptees who are seeking to maintain or restore their cultural connections.

The proposed amendments aim to ensure cultural connections and continuity can be maintained, as well as for information sharing to be more consistent, equitable, and with improved transparency, while continuing to protect privacy and ensuring decisions are made in the best interests of children.

Feedback

We are seeking your comments on the proposed amendments to enhance information sharing. If you require any clarification, please contact Stephanie Heide at stephanie.heide@gov.sk.ca or 306-798-1571.

To submit your feedback, please send to: cfpadoptionfeedback@gov.sk.ca.

Please provide your feedback in the table below or, if you prefer, in another format of your choosing.

Feedback Form – Enhancing Cultural Continuity and Community Connections

Stakeholder Name:

<p>Overview: The ministry is considering that adoption legislation move toward increased information sharing before, during, and after adoption. Being able to share more information could better support prospective adoptive parents in assessing placement suitability and meeting the needs of their adopted child, support adoptees in gaining a better understanding of their own history, and allow for sharing information required for Indigenous adoptees to register with their nations/communities.</p>		
Proposed areas for amendments	Please indicate:	Please explain your response.
	<ul style="list-style-type: none"> • Support • Oppose • No Opinion 	
Should the ministry provide prospective adoptive parents with more information on a child’s history to assist in making an informed decision on the suitability of a child proposed for adoption?	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Opinion	
Should adoptees who were previously wards of the Minster be eligible to request access to and receive file information from when they were in care under <i>The Child and Family Services Act</i> ? This could include information about parents, siblings, extended family members and/or past care providers as well as relevant Indigenous cultural connections.	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Opinion	
The ministry would like the ability to share identifying information necessary to determine eligibility for all Indigenous registration.	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Opinion	

Reducing Barriers to Family Connections

Background:

- For children in care, children's contact with birth parents and other extended family members often decreases, particularly after a permanent wardship order is granted in court. There are many reasons for this, including the emotional impact on families when legal custody is lost.
- After an adoption has occurred, birth parents and/or extended family may later request contact or information. Current legislation places limits on how these requests can be supported, often due to privacy and confidentiality requirements. As a result, meaningful connections, including those that support culture, identity, and belonging, may be difficult to maintain or restore.

What amendments to reducing barriers to family connections are being considered?

The ministry is proposing amendments to review how existing legislation supports appropriate family connections, while continuing to protect children's best interests and privacy.

Feedback

We are seeking your comments on the proposed amendments to reduce barriers to family of origin connections pursuant to *The Adoption Act, 1998*. If you require any clarification, please contact Stephanie Heide at stephanie.heide@gov.sk.ca or 306-798-1571.

Please submit your feedback to: cfpadoptionfeedback@gov.sk.ca.

Please provide your feedback in the table on the next page or, if you prefer, in another format of your choosing.

Feedback Form – Reducing Barriers to Family Connections

Stakeholder Name:

<p>Overview: The ministry recognizes the importance of family connections to an adoptee’s overall well-being and of maintaining or re-establishing family connections following adoption. Amendments are being considered to examine how existing processes may support appropriate family connections following adoption while prioritizing the rights and best interests of children.</p>		
Proposed areas for amendments	Please indicate:	Please explain your response
	<ul style="list-style-type: none"> • support • oppose • no impact 	
Should ministry staff be able to support birth families of a minor adoptee in completing a Communication Agreement at any time following an Order of Adoption being granted? Staff would be able to advise birth and adoptive families if there is mutual interest in contact.	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact	
Should siblings of an adoptee, whether a minor or adult, be supported to establish communication based on mutual interest without requiring the consent of shared birth parent(s)?	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact	
Should there be the ability to add conditions to an adoption order, where appropriate, to support maintaining connections with family and community?	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact	
<p>Other Considerations: The following questions are meant to gather feedback on ideas that may inform future policy or program consideration in the support of extended family care arrangements.</p>		
What processes and/or considerations are viewed as most important in formalizing an extended family care arrangement for children?	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact	
What supports are seen as most effective in supporting extended family caregivers to meet the needs of a relative child? What safeguards are important when recognizing community-based or family-led care arrangements for children?	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact	

<p>How can the ministry better support Indigenous children, where appropriate, to maintain their cultural identity, family relationships and community connections? For example, flexibility in legal processes to reflect Indigenous practices; recognizing non-court based care models.</p>	<p><input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact</p>	
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Clarifying Residency Requirements

Background:

- Current adoption legislation does not define residency requirements for prospective adoptive parents or children.
- Saskatchewan has seen an increase in the number of children and adults who live in Canada under temporary visas issued by Immigration, Refugee and Citizenship Canada.
- Gaps in legislation create risks for adoptive children and adults that need to be addressed to ensure appropriate safeguards for children are in place.

Why are amendments to residency requirements being considered?

Current adoption legislation requires adoptive parents to be residents of Saskatchewan, but it does not clearly explain what “residency” means. This can make it difficult to determine who is eligible to adopt and it may lead to inconsistent decision-making.

The legislation also does not clearly set out the Canadian citizenship or permanent residency requirement for adoptive parents or adopted children. As a result, the ministry has been asked to confirm immigration requirements in adoption cases that the ministry was not involved in, which the ministry cannot legally do.

Clarifying residency, citizenship, and permanent residency requirements would help ensure that appropriate safeguards are in place for children and adoptive parents. These changes are intended to protect children against child trafficking, ensure adoption processes follow proper legal and immigration requirements and reduce the risk of adoptive families being separated due to immigration issues.

Feedback

We are seeking your comments on the proposed amendments to clarify residency requirements. If you require any clarification, please contact Stephanie Heide at stephanie.heide@gov.sk.ca or 306-798-1571.

Please submit your feedback to: cfpadoptionfeedback@gov.sk.ca.

Please provide your feedback in the table on the next page or, if you prefer, in another format of your choosing.

Feedback Form – Clarifying Residency Requirements

Stakeholder Name:

Overview: Current adoption legislation does not clearly define what it means by residency and does not set out Canadian citizenship or permanent residency requirements for adoptive applicants and adoptees. This can create challenges in assessing eligibility and providing safeguards for children, which would continue to create high risks related to illegal trafficking of children and the potential for separation of adoptive families due to immigration issues.

Proposed subject areas for amendments	Please indicate: <ul style="list-style-type: none"> • support • oppose • no impact 	Please explain your response
Should “residency” be more clearly defined in legislation?	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact	
Should the ministry add requirements for domestic adoptions for adoptive parents and adoptees to be Canadian citizens or permanent residents of Canada?	<input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact	

Strengthening Safeguards for Children in Interprovincial and Private Adoptions

Background:

Adoption legislation is intended to ensure that adoption decisions are made freely, safely, and in the best interests of the child. In Saskatchewan, consent to adoption must be given voluntarily when private adoption is sought, and without any financial benefit from entering into an adoption arrangement. Often, for children who are available through an interprovincial adoption, the ministry provides the consent for a child who is in care of the ministry.

The ministry wants to ensure that safeguards in adoption practices are sufficient, particularly for interprovincial and private adoptions. In these situations, there may be a higher risk that birth parents are under pressure, lack access to supports, or do not fully understand the implications of adoption. There is also a need to ensure that children are not being moved across provincial or territorial boundaries without appropriate oversight.

Why are these amendments being considered?

The proposed amendments aim to strengthen protections for children and families in interprovincial and independent adoptions by ensuring that:

- adoption decisions are made freely and with informed consent;
- children are protected from exploitation, including inappropriate financial gains for a child's adoption; and
- The movement of children across provincial or territorial boundaries occurs safely and in their best interests.

These changes are intended to reinforce existing principles of child safety and fairness, without creating unnecessary barriers to adoption.

Feedback

We are seeking your comments on the proposed amendments to strengthen safeguards for children in interprovincial and independent adoptions. If you require any clarification, please contact Stephanie Heide at stephanie.heide@gov.sk.ca or 306-798-1571.

Please provide your written feedback to: cfpadoptionfeedback@gov.sk.ca.

Please provide your feedback in the table on the next page or, if you prefer, in another format of your choosing.

Feedback Form – Strengthening Safeguards for Children in Interprovincial and Independent Adoptions

Stakeholder Name:

<p>Overview: The ministry is considering changes to better protect children involved in interprovincial and private adoptions. The proposed changes would address concerns about the child's eligibility for adoption where consent cannot be verified. They would also ensure children are not being moved across provincial or territorial boundaries without appropriate oversight.</p>		
<p>Proposed subject areas for amendments</p>	<p>Please indicate:</p> <ul style="list-style-type: none"> • support • oppose • no impact 	<p>Please explain your response</p>
<p>Do you agree that additional safeguards are needed to better protect children involved in interprovincial and private adoptions?</p>	<p><input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact</p>	
<p>What approaches would help ensure this?</p>	<p><input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> No Impact</p>	

Closing

The information received during this process will help inform the government's legislative bill, which will be introduced in the Legislative Assembly of Saskatchewan in Fall 2026. After all feedback has been analyzed, a summary of the input will be available on Saskatchewan.ca.

Thank you for participating in this process. We look forward to reviewing your responses.

Submissions must be received by June 2, 2026.