



# **BILL NO. 23**

*Government Bill*

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*3rd Session, 63rd General Assembly  
Nova Scotia  
70 Elizabeth II, 2021*

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## **An Act to Open Adoption Records in Nova Scotia**

CHAPTER 1  
ACTS OF 2021

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR  
APRIL 19, 2021**

The Honourable Kelly Regan  
*Minister of Community Services*

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*Halifax, Nova Scotia  
Printed by Authority of the Speaker of the House of Assembly*

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## An Act to Open Adoption Records in Nova Scotia

Be it enacted by the Governor and Assembly as follows:

- 1 This Act may be cited as the *Adoption Records Act*.
- 2 The purpose of this Act is to
  - (a) establish criteria for determining
    - (i) when adopted persons and birth parents have access to information about themselves and the other party to an adoption.
    - (ii) when relatives and other persons may, in special circumstances, have access to information concerning adopted persons and birth families of adopted persons, and
    - (iii) how an adopted person or a birth parent's interest in obtaining identifying information respecting the other is balanced, to the extent possible, with the other person's interest in protecting the person's privacy;
  - (b) provide search, support and reunion services; and
  - (c) maintain an appeal process for decisions made pursuant to this Act.
- 3 In this Act,
  - (a) "aboriginal child" means a child who is registered under the *Indian Act* (Canada) and includes a Mi'kmaw child;
  - (b) "adopted person" means a person who, unless otherwise specifically provided, has attained the age of majority and was adopted pursuant to, or whose adoption was recognized as a customary adoption under, the *Children and Family Services Act* or any predecessor Act;
  - (c) "adoption order" means a court order granting the adoption of an adopted person;
  - (d) "adoption records" means copies of
    - (i) the original birth registration,
    - (ii) post-adoption birth registrations, if any,
    - (iii) adoption orders, if any,
    - (iv) orders recognizing a customary adoption under the *Children and Family Services Act*, if any,
    - (v) an adopted person's adoption file, subject to third party redactions, for the purpose of providing a social, cultural and medical history of the adopted person, and
    - (vi) where an adopted person was in the permanent care of the Minister pursuant to the *Children and Family Services Act* immediately prior to the adoption placement, the children-in-care file, subject to third party redactions, for the purpose of providing a social, cultural and medical history of the adopted person;

- (e) “adoptive name” means the name of an adopted person established or confirmed by the granting of an adoption order;
- (f) “adoptive parent” means a person who adopted a child pursuant to, or whose adoption was recognized as a customary adoption under, the *Children and Family Services Act* or any predecessor Act;
- (g) “Appeal Committee” means the Appeal Committee established under the former Act and continued under this Act;
- (h) “band” means a band as defined in the *Indian Act* (Canada);
- (i) “birth parent” means, in respect of an adopted person, a person who
- (i) is the biological parent of the adopted person,
  - (ii) is identified as a parent on the birth registration of the adopted person,
  - (iii) has been confirmed to be a biological parent of an adopted person by a court of competent jurisdiction,
  - (iv) has acknowledged being the biological parent of the adopted person in the record of any court proceeding, or
  - (v) otherwise proves, to the satisfaction of the Minister, that the person is the biological parent of the adopted person;
- (j) “birth sibling” means a person who is the age of majority and is a biological brother or sister of an adopted person;
- (k) “Chair” means the Chair of the Appeal Committee;
- (l) “contact” means direct or indirect contact with a person, either face-to-face or by written communication, telephone or any other means whatsoever;
- (m) “contact notice” is a document filed under this Act that sets out a person’s preferences regarding contact with another person;
- (n) “contact undertaking” means an undertaking to comply with a contact notice in accordance with subsection 22(5);
- (o) “disclosure veto” means a document filed under this Act that prohibits the disclosure of identifying information about the person who files it;
- (p) “executor of the estate” includes a person charged by law with the administration of the estate;
- (q) “former Act” means Chapter 3 of the Acts of 1996, the *Adoption Information Act*;
- (r) “identifying information” means any information the disclosure of which, alone or in combination with other information, in the opinion of the Minister, would likely reveal the identity of the person to whom it relates and, without restricting the generality of the foregoing, includes information with respect to that person’s name or residence;
- (s) “Mi’kmaq governing body” means a prescribed entity that is authorized to act on behalf of the Mi’kmaq of the Province as a First Nation group, community or people that holds rights recognized and affirmed by section 35 of the *Constitution Act, 1982*;
- (t) “Minister” means the Minister of Community Services;

(u) “non-identifying information” means any information the disclosure of which, alone or in combination with other information, in the opinion of the Minister, would not likely reveal the identity of the person to whom it relates, and includes, where the adopted person is, or is entitled to be registered as an Indian under the *Indian Act* (Canada), the identification of the person’s community of origin;

(v) “potential birth parent” means a person who does not come within the definition of birth parent but

(i) has been identified in an adoption record as a potential biological parent to the adopted person, or

(ii) there is credible information that the person is a birth parent to an adopted person;

(w) “prescribed” means, unless otherwise provided in the Act, prescribed by the regulations;

(x) “relative” means, in respect of a person, another person who is of the age of majority and who is the husband, wife, son, daughter, brother, sister, parent, grandchild, grandparent, aunt, uncle or first cousin by birth, marriage, common law or adoption, or whose close association is, in the opinion of the Minister, the equivalent of a family relationship.

#### APPLICATION AND ADMINISTRATION

**4** Unless otherwise authorized by this Act, disclosure of information and access to records may only be made under this Act if an adoption order has been granted or a customary adoption has been recognized under the *Children and Family Services Act* or any predecessor to that Act.

**5** Notwithstanding the *Freedom of Information and Protection of Privacy Act*, the use of, disclosure of and access to information and records regarding adoptions, regardless of where the information or records are located, is governed by this Act.

**6** The Minister has the general supervision and management of this Act.

**7 (1)** Subject to the regulations, the Minister may delegate to any person any power or function conferred or duty imposed on the Minister by this Act.

**(2)** A delegation under subsection (1) must be in writing and may include any terms and conditions the Minister considers advisable.

#### DISCLOSURE OF NON-IDENTIFYING INFORMATION

**8 (1)** The Minister may provide non-identifying information respecting an adoption, including the cultural heritage, background, family history and reasons for placement of an adopted child, upon request to

(a) an adopted person;

- (b) an adopted person under the age of majority, with the written consent of an adoptive parent of that person;
- (c) a birth parent;
- (d) a birth sibling;
- (e) an adoptive parent, with the written consent of the adopted person;
- (f) a relative of an adopted person, with the written consent of the adopted person;
- (g) a relative of a birth parent, with the written consent of the birth parent; and
- (h) a prescribed entity, who, in the opinion of the Minister, has been affected, directly or indirectly, by an adoption.

- (2) The Minister may dispense with consent required under subsection (1) if
- (a) a person whose consent is required under subsection (1) is deceased;
  - (b) a person is required to apply with the consent of another pursuant to subsection (1) and that person provides evidence to the Minister that the person has conducted a reasonable search to locate the person whose consent is required and has failed to locate the person; or
  - (c) the regulations prescribe that the consent required under subsection (1) may be dispensed with.

#### DISCLOSURE OF IDENTIFYING INFORMATION

**9 (1)** An adopted person may apply to the Minister, in the form required by the Minister, for disclosure of information and the adoption records relating to the adopted person.

(2) Upon application, the Minister shall provide the adopted person with copies of the adoption records.

(3) Where the Minister considers it advisable, the Minister may disclose additional information respecting the background or circumstances of the adopted person, including cultural heritage, medical history, family history and reasons for placement.

**10 (1)** Notwithstanding Section 9, the Minister may not provide the adopted person with any adoption records containing identifying information about a birth parent or potential birth parent if

- (a) a disclosure veto has been filed; or
- (b) a contact notice has been filed and the adopted person has not filed a contact undertaking.

(2) Where a birth parent or potential birth parent has filed a disclosure veto, the Minister shall conceal any identifying information that appears in the adoption record about the person who filed the veto before providing the adoption records to the adopted person.

**11 (1)** Where an adopted person is 20 years of age or older, a birth parent may apply to the Minister, in the form required by the Minister, for a copy of

- (a) the birth registration;
- (b) any adoption order;
- (c) where available, a copy of the court order recognizing a customary adoption under the *Children and Family Services Act*; or
- (d) any post-adoption birth registration.

**(2)** Before providing the adoption order, order recognizing a customary adoption under the *Children and Family Services Act* and post-adoption birth registration to a birth parent, the Minister shall conceal the names of the adoptive parents.

**(3)** Notwithstanding subsections (1) and (2), the Minister may not provide the birth parent with identifying information about an adopted child, if the adopted child has filed

- (a) a disclosure veto; or
- (b) a contact notice and the birth parent has not filed a contact undertaking.

**12 (1)** Where a request for information has been made by an adopted person and a search of the adoption record identifies the name of a potential birth parent, the Minister shall attempt to locate the potential birth parent and give the potential birth parent a reasonable opportunity to

- (a) consent to the release of identifying information;
- (b) file a disclosure veto; or
- (c) file a contact notice.

**(2)** Where no disclosure veto is filed, the Minister shall release identifying information about the potential birth parent to the adopted person.

**(3)** Where the Minister has taken reasonable steps to locate a potential birth parent but has been unsuccessful in locating that potential birth parent, the Minister shall release any identifying information in the adoption record relating to that potential birth parent.

**13 (1)** A birth sibling may apply to the Minister for disclosure of the adoptive name of that person's birth sibling if

- (a) the birth parents of the adopted person provide their written consent;
- (b) the birth parents of the adopted person are deceased;
- (c) the birth sibling was in the permanent care of the Minister pursuant to the *Children and Family Services Act*; or
- (d) the birth sibling provides evidence to the Minister that the birth sibling has conducted a reasonable search to locate the birth parents and has failed to locate them.

- (2) No identifying information may be provided to a birth sibling if
- (a) a disclosure veto has been filed; or
  - (b) a contact notice has been filed and the birth sibling has not filed a contact undertaking.

14 (1) Where an adopted person has died, a relative of the adopted person may apply to the Minister for disclosure of

- (a) the adopted person's birth name;
- (b) the name of a birth parent of the adopted person;
- (c) where there are adopted birth siblings of an adopted person, the birth names of those persons; or
- (d) where there are adopted birth siblings of an adopted person, the adoptive names of those persons.

(2) Where a birth parent of an adopted person has died, a relative of the birth parent may apply to the Minister for disclosure of the adoptive name of the adopted person whose birth parent is deceased.

- (3) No identifying information may be provided to a relative if
- (a) a disclosure veto has been filed; or
  - (b) a contact notice has been filed and the person seeking the information has not filed a contact undertaking.

(4) A relative who applies pursuant to subsection (1) or (2) shall submit proof of death of the adopted person or birth parent, as the case may be.

15 Upon request of an adoptive parent, the Minister shall provide a duplicate copy of a record that the adoptive parent would have been provided at the time the adoption order or order recognizing a customary adoption under the *Children and Family Services Act* was granted.

#### DISCLOSURE OF INFORMATION IN OTHER CIRCUMSTANCES

16 (1) Where

- (a) a birth parent, or any other relative of an adopted person, regardless of the age of the adopted person, has named the adopted person as a beneficiary under the person's will; or
- (b) an adopted person has named a birth parent of the adopted person or any other relative of the adopted person as a beneficiary under the person's will,

the executor of the estate may apply, in writing, to the Minister for assistance in locating the adopted person, birth parent or relative, as the case may be.

(2) Subject to the regulations, upon receiving an application pursuant to subsection (1), the Minister shall conduct a search to locate the adopted person, birth parent or relative, as the case may be.

**(3)** Where the Minister conducts a search under subsection (2) and is successful in locating the adopted person, the birth parent or the relative, as the case may be, the Minister may not release any identifying information concerning the adopted person, the birth parent or the relative to the executor of the estate unless

(a) in the case of an adopted person, such person has given written consent to the release of the information;

(b) in the case of an adopted person under the age of majority, the adoptive parents of the person have given written consent to the release of the information; or

(c) in the case of a birth parent or relative, the birth parent or the relative, as the case may be, has given written consent to the release of the information.

**(4)** A written consent under subsection (3) must include an acknowledgment that the person providing consent understands that the person's information may be used for all estate-related matters relevant to the person being named as a beneficiary under a will.

**(5)** Where identifying information is released to the executor of the estate pursuant to subsection (3), the executor of the estate shall

(a) use such information only for the purpose for which it is intended; and

(b) not disclose identifying information, beyond what is necessary to establish entitlement under a will, to any other person without the written consent of the adopted person, the adoptive parents of an adopted person under the age of majority or the birth parent or relative, as the case may be.

**17 (1)** Where a written request is made to the Minister by or on behalf of the Minister of Indigenous Services for Canada, a Mi'kmaw governing body or a band, the Minister shall forward to that person or body a certified copy of the adoption order or court order recognizing a customary adoption regarding an adopted person together with such other identifying information or non-identifying information, contained in the records of the Minister, as may be necessary to establish entitlement of the adopted person to be recognized as an Indian within the meaning of the *Indian Act* (Canada).

**(2)** The Minister shall only disclose information pursuant to subsection (1) where the Minister is satisfied that the information

(a) will only be used by the Minister of Indigenous Services for Canada, Mi'kmaw governing body or band for the purpose stated in subsection (1); and

(b) will not be disclosed by that Minister, Mi'kmaw governing body or band to the adopted person, the adoptive parents of the adopted person or to any other person.

**18 (1)** Where disclosure of information in the records of the Minister, including information obtained by the Minister pursuant to Section 29, to

(a) an agency, within the meaning of the *Children and Family Services Act*;  
or

(b) a comparable agency that is recognized in another jurisdiction,

is, in the opinion of the Minister, necessary to protect a child from abuse or neglect, the Minister may disclose the information to the agency.

**(2)** The Minister may disclose information in the records of the Minister, including information obtained by the Minister pursuant to Section 29, to a public body or law-enforcement agency in Canada to assist in an investigation

- (a) undertaken with a view to a law-enforcement proceeding; or
- (b) from which a law-enforcement proceeding is likely to result.

**(3)** An agency referred to in subsection (1) or a public body or law-enforcement agency referred to in subsection (2) may not use or disclose information provided pursuant to subsection (1) or (2) except for the purpose for which it is provided.

**19** The Minister may disclose information related to an adoption made in another province of Canada to a government or authority authorized to disclose the information pursuant to the laws of that province.

**20 (1)** Notwithstanding any provision of this Act, in compelling circumstances affecting the health, safety or well-being of an adopted person, an adopted person under the age of majority, a birth parent or a birth sibling, the Minister may contact

- (a) a birth parent;
- (b) where the birth parent is not available, a relative of the birth parent;
- (c) an adopted person; or
- (d) an adoptive parent,

to give to or obtain from that person any information affecting the health, safety or well-being of the adopted person, the adopted person under the age of majority, the birth parent or the birth sibling, as the case may be.

**(2)** Notwithstanding any provision of this Act, in compelling circumstances affecting the health of a relative, where the Minister

- (a) conducts a search to locate an adopted person, a birth parent, a birth sibling or other relative; and
- (b) is unsuccessful in locating the person,

the Minister may release to the relative any information concerning the person who cannot be located.

**(3)** Notwithstanding any other provision of this Act, in compelling circumstances affecting the health of an adopted person under the age of majority, where the Minister

- (a) is requested by the adoptive parent to search for a relative of the adopted person under the age of majority; and
- (b) conducts a search to locate the relative and is unsuccessful,

the Minister may release to the adoptive parent any information concerning the relative who cannot be located.

## PRIVACY

**21 (1)** An adopted person, a birth parent or a potential birth parent may file a disclosure veto with the Minister.

**(2)** A disclosure veto may be filed regardless of when the adoption order or order recognizing a customary adoption under the *Children and Family Services Act* was issued and, for greater certainty, a disclosure veto may be filed in respect of an adoption order or order recognizing a customary adoption under the *Children and Family Services Act* made prior to the coming into force of this Section.

**(3)** A person may file a written statement with a disclosure veto filed by the person providing

- (a) the reasons the person does not want identifying information disclosed; and
- (b) non-identifying information, including information about the cultural heritage or medical or social history of the person and the person's family.

**(4)** Where an adopted person or birth parent applies to the Minister for adoption records to which a disclosure veto relates, the Minister shall notify the person that a disclosure veto has been filed and provide the person with a copy of any written statement filed with the disclosure veto.

**(5)** A person who files a disclosure veto under subsection (1) may cancel the disclosure veto.

**(6)** A person who files a written statement under subsection (3) may change the written statement.

**(7)** A disclosure veto ceases to have effect upon the death of the person who filed the disclosure veto.

**22 (1)** An adopted person, a birth parent or a potential birth parent may file a contact notice with the Minister.

**(2)** A contact notice may be filed regardless of when the adoption order or order recognizing a customary adoption under the *Children and Family Services Act* was issued and, for greater certainty, a contact notice may be filed in respect of an adoption order or order recognizing a customary adoption under the *Children and Family Services Act* made prior to the coming into force of this Section.

**(3)** A contact notice may contain

- (a) the reasons the person does not want to be contacted or wants to be contacted only in a specified manner;
- (b) the manner in which the person wants to be contacted; and
- (c) information about the cultural heritage and medical and social history of the person and non-identifying information about the person's family.

(4) Where a person applies to the Minister for information or a copy of adoption records to which a contact notice relates, the Minister shall notify the person that a contact notice has been filed.

(5) Where a contact notice has been filed, before the Minister releases any information contained in the contact notice or any identifying information, the Minister shall require the party seeking disclosure to file an undertaking confirming that the person will not

(a) knowingly fail to comply with the contact notice, either directly or through another person;

(b) intimidate or harass the person who filed the contact notice, either directly or through another person; or

(c) publish any identifying information about the person who provided the contact notice.

(6) A person who files a contact notice under subsection (1) may change or cancel the contact notice.

**23 (1)** In subsection (2), “significant risk” means, in relation to a person, reasonable evidence of physical or emotional harm to the person if identifying information in respect of that person is released.

(2) Where the Minister determines that there may be a significant risk to a person whose identifying information would be released under this Act, the Minister shall make a reasonable effort to contact the person and allow the person an opportunity to file a disclosure veto.

(3) Where the Minister does not receive a disclosure veto, the Minister shall release the identifying information.

**24** Notwithstanding the filing of a disclosure veto, an adopted person’s community of origin must be provided to the adopted person upon request if

(a) the adopted person was at the time of adoption an aboriginal child or entitled to be an aboriginal child; and

(b) the adopted person’s community of origin is contained in the adoption record.

#### SEARCH, SUPPORT AND REUNION SERVICES

**25 (1)** The Minister may, upon request, undertake a search for

(a) an adopted person, for the purpose of locating a birth parent, potential birth parent, or birth sibling of the adopted person where the birth sibling was in the permanent care of the Minister pursuant to the *Children and Family Services Act*;

(b) a birth parent, for the purpose of locating an adopted person;

(c) a birth sibling, for the purpose of locating an adopted person,

(i) with the written consent of a birth parent,

(ii) if the birth parent is deceased,

(iii) if the birth sibling was in the permanent care of the Minister under the *Children and Family Services Act*, or

(iv) if the birth sibling provides evidence to the Minister that the birth sibling has conducted a reasonable search to locate the birth parents and has failed to locate them;

- (d) a relative, for the purpose of locating an adopted person,
  - (i) with the consent of the birth parent, or
  - (ii) if the birth parent is deceased; or
- (e) any other person or entity as prescribed by the regulations.

- (2) Where a search is conducted under subsection (1), the Minister shall
  - (a) search records kept by or accessible to the Minister;
  - (b) where possible, make contact with the person who is the subject of the search to determine if there is a desire to arrange contact; and
  - (c) if there is a desire to arrange contact, assist in facilitating contact.

**26** Where a search request has been made under Section 25 and a person with whom a connection is sought has filed a disclosure veto or a contact notice, the Minister may not attempt to contact that person.

**27** A person who makes a search request under Section 25 may withdraw the request at any time.

**28** The Minister may provide support services to persons making requests for information under this Act.

## PROVISION OF INFORMATION

**29 (1)** Notwithstanding any other Act, the Minister must be provided, upon written request, any information that

- (a) is in the custody or control of a public body as defined in the *Freedom of Information and Protection of Privacy Act*; and
- (b) is necessary to enable the Minister to locate a person for the purpose of this Act or the regulations.

**(2)** Without limiting the generality of subsection (1), the Registrar under the *Vital Statistics Act* shall, upon written request from the Minister, give to the Minister any information in the custody or control of the Registrar concerning the birth, adoption, marriage or death of a person.

**30** The Minister may, for the purpose of obtaining information necessary to carry out the intent and purpose of this Act and the regulations, enter into agreements with

- (a) the Government of Canada, the government of a province of Canada, the government of a foreign jurisdiction or an official or agency of any of those governments; or
- (b) a person or group of persons, whether incorporated or not.

## APPEALS

**31** Any person entitled to make a request for information or records pursuant to this Act may appeal to the Appeal Committee the Minister's decision, action or failure to act, that relates to the person's request.

**32 (1)** There shall be an Appeal Committee to hear appeals made pursuant to Section 31.

**(2)** The Appeal Committee is composed of

- (a) the Chief Judge of the Unified Family Court or a judge of the Unified Family Court designated by the Chief Judge; and
- (b) two other persons appointed by the Governor in Council.

**(3)** Notwithstanding subsection (2), the members of the Appeal Committee who are in office at the time of the coming into force of this Section continue as members for the duration of their appointments and may be re-appointed.

**(4)** The member of the Appeal Committee pursuant to clause (2)(a) is the Chair of the Appeal Committee.

**(5)** The persons appointed pursuant to clause (2)(b) shall be appointed for a term of not more than three years and may be re-appointed.

**(6)** The Chair of the Appeal Committee and one other member of the Appeal Committee constitute a quorum.

**(7)** Each member of the Appeal Committee shall be paid such remuneration and reimbursed for such expenses as the Governor in Council determines.

**33 (1)** A request for an appeal under Section 31 must

- (a) be in writing;
- (b) be filed with the Chair of the Appeal Committee; and
- (c) identify and state the decision, action or failure to act being appealed.

**(2)** Upon receipt of a request for an appeal, the Chair shall request that the Minister submit to the Appeal Committee, and the Minister shall submit, a statement setting out the reasons for the Minister's decision in the matter or the reasons for the Minister's action or failure to act.

(3) Upon receipt of a request from the Chair for correspondence and records relating to a matter to be heard by the Appeal Committee, the Minister shall make available to the Appeal Committee all correspondence and records relating to the matter.

(4) The proceedings of the Appeal Committee must be informal in nature and must be held in private.

(5) The Appeal Committee may adopt rules of procedure for its proceedings.

(6) The following persons may make representations to the Appeal Committee:

- (a) the appellant;
- (b) a representative of the Minister; and
- (c) such other persons as the Appeal Committee may authorize.

(7) The Appeal Committee shall consider an appeal within 90 days of receiving the request for the appeal and shall, within 30 days of hearing the appeal, render a decision as to whether or not the Minister's decision, action or failure to act was made or done, as the case may be, in accordance with this Act and the regulations.

(8) Where the Appeal Committee finds that the Minister's decision, action or failure to act was not made or done in accordance with this Act and the regulations, the Appeal Committee shall order the Minister to comply with this Act and the regulations and provide the Minister with instructions, in accordance with this Act and the regulations, regarding the manner in which the Minister must comply.

(9) The decision of the Appeal Committee is final and binding on all the parties.

(10) The appellant and the Minister shall be notified in writing of the Appeal Committee's decision and the reasons for its decision.

## INTERCOUNTRY ADOPTION

**34** Where an adoption was finalized pursuant to the *Intercountry Adoption Act*, the Minister may disclose information in the adoption file to the central authority in another country that requests the information and that is authorized to disclose the information according to the laws in that jurisdiction.

**35** Where a child was adopted pursuant to the *Intercountry Adoption Act*, the adopted person is entitled to any non-identifying information in the adoption file and any identifying information about the person's birth parent, unless the law of the person's state of origin provides otherwise.

**36** The Minister may provide search, support and reunion services to an adopted person adopted pursuant to the *Intercountry Adoptions Act*.

**37** In situations involving a medical emergency of a person adopted pursuant to the *Intercountry Adoption Act*, the Minister shall, upon request by the adopted person or a person with the authority to make decisions for the adopted person, contact the adopted person's country of

origin to seek assistance in locating a person or disclosure of information retained by the central authority of that jurisdiction that may assist the adopted person with the medical emergency.

#### GENERAL

**38** The Minister may establish a post-adoption registry to assist in tracking information related to adoptions, adoption records, vetoes, contact notices, contact undertakings or any other prescribed information that would assist the Minister in carrying out the purpose of this Act and the regulations.

**39** A person who applies to the Minister for information under this Act shall supply proof of identity satisfactory to the Minister.

**40** No action lies against the Minister, employees or agents of the Minister, or any other person acting under the authority of this Act for anything done, or omitted to be done, in good faith in the exercise of a power or performance of a duty under this Act or the regulations.

**41** A request for information under this Act, as well as the filing of a disclosure veto, contact notice or contact undertaking, must be submitted in a form and manner determined by the Minister.

**42 (1)** The Minister may require fees, in the amounts set out in the regulations, for the supply of documents or information, the entering of names on the Registry, the provision of services to any person pursuant to this Act or the regulations or for any other thing done pursuant to this Act or the regulations.

**(2)** The Minister may waive or reduce fees in accordance with the criteria prescribed by the regulations.

#### OFFENCES

**43 (1)** Any person who contravenes a provision of this Act or the regulations is guilty of an offence and liable upon summary conviction to a fine not exceeding \$10,000.

**(2)** Any person who contravenes a contact undertaking made pursuant to this Act or the regulations is guilty of an offence and liable upon summary conviction to a fine not exceeding \$10,000.

**44** A prosecution for an offence under Section 43 may not be commenced more than two years after the date the offence was committed.

**45 (1)** The Unified Family Court, including a judge thereof, has exclusive original jurisdiction over the prosecution of an offence under this Act or the regulations.

**(2)** Unless the Unified Family Court, including a judge thereof, so orders otherwise, a proceeding for an offence under this Act or the regulations must be held in private.

(3) The court record relating to a proceeding for an offence under this Act or the regulations is confidential and the public may not have access to the court record without the consent of the Minister.

(4) No person shall make known to the public or a section of the public, by any means, the identity of a party to a proceeding for an offence under this Act or the regulations, or information from which the identity of such a party may readily be ascertained.

## REGULATIONS

46 (1) The Governor in Council may make regulations

(a) respecting conditions that must be satisfied by an adopted person under the age of majority and an adoptive parent to establish eligibility to have access to non-identifying and identifying information;

(b) prescribing the circumstances under which consent may be dispensed with by the Minister when requesting non-identifying information under Section 8;

(c) respecting the manner in which a search must be conducted and the processes to be followed in undertaking a search pursuant to this Act;

(d) respecting any other person or entity that can request a search be conducted under this Act and any special conditions around the conduct of the search;

(e) respecting the qualifications of a person or class of persons to whom the Minister may delegate any of the Minister's powers, duties or functions pursuant to this Act or the regulations;

(f) respecting how notices are to be given under this Act;

(g) respecting the process for filing, updating or cancelling a contact notice or disclosure veto;

(h) specifying how, by whom and the circumstances under which a contact notice or disclosure veto may be filed on behalf of persons who are incapable of filing them for themselves;

(i) respecting the provision of services and supports to persons, or a class of persons, requesting disclosure of information under this Act;

(j) respecting priorities in processing of any request for information under this Act;

(k) respecting what constitutes reasonable steps to be taken by the Minister in attempting to locate a person under this Act;

(l) respecting support services including

(i) what services may be provided,

(ii) defining classes of persons in need of support services, and

(iii) providing different support services to different classes of persons;

(m) setting fees for the supply of documents or information, the entering of names on the Registry, the provision of services to any person pursuant to this Act or the regulations or for any other thing done pursuant to this Act or the regulations;

- (n) prescribing criteria for the waiving or reduction of fees;
- (o) respecting any information contained in the Registry;
- (p) defining any word or expression used but not defined in this Act;
- (q) further defining any word or expression defined in this Act;
- (r) deemed necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*.

#### CONSEQUENTIAL AMENDMENTS

**47 The former Act is repealed.**

**48 (1) Subsection 85(2) of Chapter 5 of the Acts of 1990, the *Children and Family Services Act*, is amended by striking out “upon an order in writing of the Minister” in the fifth and sixth lines and substituting “in accordance with subsection (4)”.**

**(2) Subsections 85(4) and (5) of Chapter 5 are repealed and the following subsections substituted:**

(4) The Minister may open the sealed packet kept by the Minister for the purpose of obtaining any information as may be disclosed pursuant to the *Adoption Records Act*, and regulations made under that Act.

(5) The Minister shall reseal the packet after information has been obtained from the sealed packet under subsection (4).

**(3) Subsection 85(6) of Chapter 5, as enacted by Chapter 3 of the Acts of 1996, is amended by striking out “or (5)” in the third and fourth lines.**

#### EFFECTIVE DATE

**49 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.**

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