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To UN Committee Members,

Re: UN Convention on the Rights of the Child – Review of Canada

Please find enclosed the following submission for the review of Canada with regards to the UN Convention on the Rights of the Child, and in particular, Article 8 of that Convention.

This report focuses on one specific issue; that of illegally removed and omitted information from original birth registrations, especially father's names. Many thousands of Canadians have found that their father's names have been removed illegally or omitted from their original birth registrations by governmental authorities that had no legal power to do so under their own laws. These authorities compounded this by denying unwed parents information on prescribed procedures for registering the father onto birth registrations because of their marital status despite the fact that these parents had the legal right to name the father at the time.

For the purposes of this submission, the focus will be on the province of Ontario as much of the evidence collected for this matter comes from that area of Canada. Ontario reflects a similar pattern that occurred across the country. Birth registrations fall within the jurisdiction of the province. However, it is the responsibility of the federal government to ensure that provinces uphold the UN Convention on the Rights of the Child. So far, the federal government has been reluctant to do this.

For Article 8, it is important to show that children were illegally deprived of an element of their identity as this puts the onus on the current government to rectify these past wrongs under this article. Therefore, a portion of the report will be devoted to showing how criminal actions occurred which denied children that element. Further documentary evidence is supplied at the end of this submission. Both adopted and non-adopted people have been affected by this. The Ontario government now offers to allow non-adopted people the natural (biological) father's names on birth registrations but it refuses to do the same for those who are adopted. This is discrimination under Article 2 as well as being a violation of Article 8.

This lack of information has caused problems but solutions are available which only need the political will of provincial governments to be implemented. It should be noted that half of Canada still has closed adoption records.

I would like to thank the UN Committee for reading this submission.

Yours sincerely,

Cathy Henderson (Ms.)

UN COMMITTEE ON THE CONVENTION ON THE RIGHTS OF THE
CHILD

REVIEW OF CANADA

ILLEGALLY REMOVED ELEMENTS
FROM ORIGINAL BIRTH REGISTRATIONS
WITH REGARDS TO ARTICLE 8 OF
THE UN CONVENTION ON THE RIGHTS OF THE
CHILD

Submitted by Ms. Cathy Henderson

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Illegally Removed Elements from Original Birth Registrations with regards to Article 8 of the UN Convention on the Rights of the Child - Review of Canada

Introduction

Article 8 of the UN Convention on the Rights of the Child is still being violated in Canada by provinces whose governmental authorities and agencies illegally removed information from original birth registrations despite their own provincial laws that instructed these agencies not to do so at the time. Provinces are refusing to restore these illegally removed elements of identity. This is causing problems for Canadians.

For the purposes of this report, the province of Ontario will be the main focus as most of the evidence is derived from that part of Canada. The processing of original birth registrations is relevant to Article 8 because the authorities did not adhere to the provincial laws at the time when they should have done, thus making those actions illegal. Under Article 8, when elements of identity are illegally removed, the current government must re-establish these quickly. Article 8 is a retroactive clause as the onus is on the current government to put right any illegal removals of elements of identity, regardless if these removals occurred under previous governments. The most notable deletion is that of unwed father's names which were illegally removed despite the law stating that unwed father's names could be put on these registrations even after the registration of the birth. Governmental authorities and associated agencies ignored provincial law that governed and limited their legal powers.

In Ontario, from 1960 to 1980, unwed father's names were illegally deleted from original birth registrations. During these decades provincial law stated that the Registrar General did not have the legal authority to alter information on these documents. There is a strict legal procedure laid out in the Ontario statute books which the Registrar General's Office did not follow, thus making their actions criminal in law.

Vital Statistics Acts – The Legal Responsibilities of the Registrar General in Ontario

Here is a list of clauses from the Vital Statistics Acts of Ontario for both 1960 and 1970 which explain the legal responsibilities and legal limitations of the Registrar General in Ontario. Evidence gathered shows that the Registrar's actions did not comply with the law at the time. These clauses are the same for both 1960's and 1970's unless otherwise stated.

“3. - (1) The Registrar General shall examine the registrations received from divisional registrars and, if the registrations are incomplete or unsatisfactory, he shall require such information to be supplied as may be necessary to complete the registration”
(Administration, Vital Statistics Act, 1960 and 1970).

It was the Registrar's job to make the registration as complete as possible by asking that the information should supplied. This would have included paternity statements and letters of consent. It was not the job of the Registrar to make the registration less complete by deletion.

“3. - (2) Where it is found upon examination that any registration received from a division registrar is incomplete as to the required signatures, the Registrar General shall cause the registration to be returned by registered mail to the proper division registrar in order that the signatures may be obtained. “ (Administration, Vital Statistics Act, 1960 and 1970).

It was the job of the Registrar General to obtain all required signatures, including those of unwed fathers. In the 1960's only a letter of consent was required and a paternity statement unnecessary for that decade. If the unwed father was named on the original birth registration, his signature on a letter of consent should have been obtained by the division registrar.

“30. - (1) If, while the registration of any birth, death or still-birth is in the possession of a division registrar, it is reported to him that an error has been made in the registration, he shall inquire into the facts and, if he is satisfied that an error has been made in the registration, he may correct the error according to the facts by a notation on the registration without any alteration being made in the registration” (Corrections of Errors in Registrations, Vital Statistics Act, 1970. Listed as Section 32 (1) in 1960).

Even if the unwed father's name was considered to be a mistake by the division registrar, the division registrar did not have the legal authority to remove it. The division registrar only had the authority to make a note of it and he/she had a duty to find out the facts beforehand.

“30. - (3) If, after a registration has been received or made by the Registrar General, it is reported to him that an error has been made, the Registrar General shall inquire into the facts and, upon evidence satisfactory to him, supplemented by statutory declaration in the prescribed form, he may correct the error by a notation on the registration without any alteration being made in the registration.” (Corrections of Errors in Registrations, Vital Statistics Act, 1970. Listed as Section 32 (3) in 1960).

The Registrar General was not allowed to make any alterations to any birth registration. The Registrar General only had the legal authority to add a notation which would have to be initialled and dated by the officer designated to do this. Inquiries should have been made beforehand. Deletions were not allowed.

“31.- (1) If, after a registration has been received or made by the Registrar General, it appears or is reported to him that, because of incorrect information in the registration, the registration does not comply with the requirements of subsections 4 and 7 of section 6, the Registrar General shall inquire into the facts and, upon production of evidence satisfactory to him, supplemented by statutory declaration in the prescribed form, he may, instead of correcting the error under section 30, order that the registration be cancelled, and that a new registration of the birth be made.” (Corrections of Errors in Registrations, Vital Statistics Act, 1970. Listed as Section 33(1) in 1960. Subsection 7 is listed as subsection 5 in 1960. Section 30 is listed as 32 in 1960. Subsection 4 refers to birth registrations made by married women and subsection 7 (5 in 1960) refers to birth registrations made by unmarried women).

In 1960, if the mother was married, only the husband could be named, regardless of who the father was. In the 1970's, married women could have the father named regardless if he was the husband. In both the 1960's and the 1970's, unwed parents could name the father.

This clause makes it clear that the Registrar General could not alter the original birth registration. Instead a new birth registration had to be made which would have required the parent's consent with a new signature on the new registration, regardless of marital status. Once again, the Registrar General would have to have made inquiries, which according to support groups, did not happen. Subsection 7 is very misleading and says that the father's particulars shall not be given *except* that the father's particulars can be given if they follow subsection 8.

The Registrar General's employees ignored the fine print of the regulations governing the original birth registrations which told them what they were legally allowed to do and, more importantly, what actions they were forbidden from taking.

“33. - (2) Where an order is made under subsection 1, the Registrar General shall attach the order to, and cause a notation of the order, to be made on the existing registration, and the existing registration and order shall be filed with the substituted registration.” (Corrections of Errors in Registrations, Vital Statistics Act, 1960).

“31. - (2) Where an order is made under subsection 1, the Registrar General shall attach the order to, and cause a notation of the order, to be made on the existing registration, and the existing registration and order shall be kept in a separate file and sealed.” (Corrections of Errors in Registrations, Vital Statistics Act, 1970).

Registrations with errors had to be kept. New registrations could be made but no registration was allowed to be thrown away or altered. If unwed mothers put the father's names on registrations, the Registrar had to legally keep those intact however incorrect they may have seemed at the time, so the question is; where are they? If they have been altered instead, without a new one being issued and the old one filed, the Registrar General broke the law. The Registrar General would have been legally required to ask the mother for her signature for any new registration that may have been made.

The Interference of Other Ontario Agencies with Regards to Father's Names

The Registrar General's office was not the only Ontario agency that broke the law with regards to this matter. The Registrar General's office has confirmed that it received original birth registrations from unwed mothers with lines drawn through the spaces where the father's information should be. Many mothers were told to leave it blank which they did. This means that a third party tampered with legal documents when they had no legal authority to do so. There are now eye-witness accounts of nurses in hospitals drawing lines through the empty boxes of signed birth registration forms from unwed mothers. This gave the false impression that the unwed mother did not want to name the father. Some unwed parents wanted to name the father which is why it would be left blank. According to the law at the time, the unwed father's name could be added even after the registration of the birth. Parents, regardless of marital status, had 30 days after the birth to file the original birth registration with the Registrar General's office yet professionals demanded that the original birth registrations should be handed straight back to staff in the hospital. This prevented the mother from getting the necessary paperwork such as a letter of consent and a paternity statement from the father. Many unwed parents were not told that the father could be registered later nor were they told that the father could be added if they decided to get married at any time after the birth. Some unwed parents were told that the father could not be registered at all. This violates the UN Declaration of Human Rights, Article 25 which states that the children of unwed mothers should have the same “social protections” as those of married mothers.

Social workers are also guilty of breaking the law. They went so far as to fill in and sign the original birth registrations for unwed mothers when they had no legal authority to do that. Social workers from across Canada are now admitting that they did not tell unwed mothers of their rights. These professionals were the only source of knowledge available to vulnerable parents during a time without computers, yet they withheld vital information to the detriment of both parents and their child.

The Children's Aid Societies (CAS) misled fathers into believing that if they made the statutory declaration of paternity at their offices then the CAS would ensure that their names would appear on the original birth registrations. As statutory declarations made before a commissioner, these paternity statements were permissible documents for birth registrations. Many of these are still held by the CAS's which say they are not allowed to pass this information on to the Registrar General, despite the wishes of the fathers to do so. The CAS's failed fathers by with-holding information on prescribed procedures to be named on the original birth registration.

Birth registrations were always done before any adoption took place, thus these deletions affect both adopted and non-adopted people. Adoption must not be used as an excuse to deny people information when the non-adopted are affected in the same way but they are not treated the same way as adoptees are in this matter. The Ontario government says that it will now allow the non-adopted to put father's names onto birth registrations. However, the Ontario government refuses to give the same right to adoptees, thus discriminating them on birth status which violates Article 2 of the UN Convention on the Rights of the Child. The Ontario government has passed a law to make it illegal (in their view) for adoptees to have this right. The UN makes it clear that everyone including adoptees has the right to have this information preserved (without illegal deletions) and to have it made available to them especially in light of the fact that a number of fathers want them to have this information too.

The Problems that the Deletion/Omission of Information has Caused

This has caused a number of problems for both adoptees and their natural parents. Over 90 percent of all adoptees in Ontario have the father's name missing from their original birth registrations. For adoptees who were born between 1960 and 1980 to unwed parents, the figure appears to be 100 percent. These people are missing half their heritage and genetic background. Furthermore, these people are being denied the right to know their parents as far as possible, particularly if the mother has died. This violates Article 8 as unlawful interference with family relations.

Fathers are now being denied the right to use government services because they are not on the original birth registration. For example, the Ontario government claimed that all natural fathers of adoptees would be able to use the Contact Preference Form to help adoptees find them. This is not true. On the Contact Preference Form, it states quite clearly that you have to be named on the original birth registration to use that service. It seems that the Ontario government itself is very confused about the rights of fathers in this situation. In one case, the Ontario government told the Ontario Ombudsman that the father's name could be recorded by using this form. If the father in question had used that form, he could have gone to jail for 2 years and landed a 50,000 dollar fine for making a false statement as he was not named on the original birth registration. How are over 90 percent of fathers to use this without fear of incarceration?

Another problem for un-named fathers is that they are being denied the right to identifying information on their children, even when there is no disclosure veto from the adoptee. In Ontario, only fathers who are named on the original birth registration are allowed identifying information on the adoptee. Some mothers have now stepped forward to mutually consent to have father's name added but the Ontario government still refuses, even when all parties, including the natural mother, the natural father and adoptee have consented in writing to have this done. This is a violation of Articles 7 and 8 of the Convention on the Rights of the Child.

The Ontario government runs an adoption disclosure registry but even this can have problems. If there is a spelling mistake on the information that was given to the families, the mutually consenting parties may never meet until they have the original birth registration for the correct information. If fathers are denied this information, they may never meet their children under these circumstances especially in cases where the mother has died.

The mass deletion and forced omission of father's names drives the unwarranted character assassination of all unwed mothers which is depriving many of a reunion that would have otherwise occurred. This is unlawful interference by the state which is a violation of Article 8 as it is the state that removed the father's names in the first place to promote the stereotype of the "immoral woman". This tactic was designed to shame the mother into surrender and to drive away adoptees before reunion occurs.

The Human Rights Tribunal of Ontario will not listen to cases where adoption records are involved. This is discrimination under Article 2 of the convention. However, the Supreme Court of Canada has ruled that fathers have the right to be named on the birth registration.

Summary

Information must be restored on original birth registrations as these were removed illegally in the first place. Article 8 makes it clear that it is the current governments' duty – both provincial and federal - to ensure the speedy restoration of these missing elements of identity as this report has shown that many criminal actions were used to deny parents basic human rights which in turn denied children their birth rights. Although the Registrar General is not allowed to "alter" records, under current Ontario law, the Ministry has the over-riding legal power to "update" records but it refuses to use this power to update adoptee's records.

The evidence is overwhelming. This information was supposed to be preserved under Ontario law but instead it was illegally removed. The professionals in Ontario broke the law when it came to the deletion of unwed fathers on birth registrations. This obligates the current government to put this right under Article 8 by using all means necessary including changing legislation.

Recommendations

All laws that bar the restoration of father's names on original birth registrations should be repealed immediately. Under current law paternity statements are not required, so it should be sufficient for father's names to be restored if both the natural father and the natural mother mutually consent in writing to have the father's name restored on the original birth registration along with the father's particulars. In cases where the mother is deceased and evidence of that is supplied, the father's name and particulars should be restored if the father gives written consent.

Adoption must not be used as a reason to refuse the restoration of father's names on original birth registrations. To do so creates a discriminatory 2 tier system where adoptees are denied the same right as the rest of the population. Any law barring the restoration of father's names and his particulars on original birth registrations on this basis must be repealed.

Adoption must not be used as a reason to deny people the services of the Human Rights Tribunal in Ontario or any other province. These rules must change.

Children's Aid Societies (CAS) holds many of the paternity statements. If such a statement from the relevant time period is in their possession, if there is only one such statement, and no disclosure veto has been filed, then the father's information should be restored from those as many fathers believed that making these statements at the Children's Aid Society would ensure that their name would be on the original birth registration but a number of fathers were misled by the authorities in that regard. Many of these statements were made in front of CAS commissioners making them statutory declarations under the law therefore eligible for consideration for the restoration of missing father's names. These fathers have voluntarily and legally declared paternity. These names should be restored on the original birth registration and legislation changed if necessary to achieve this.

Although the Federal Government may have removed terms referring to "illegitimacy" in federal law, there are still references to that at the provincial level of law. In Nova Scotia, a child is still being referred to as a "legitimate or legitimated child" in the Children and Family Services Act in that province. Provincial laws need to be reviewed for this.

Access to adoption records remains inconsistent in Canada. Adoption records need to be opened up in provinces and territories where they remain closed so that access to information is not a postcode lottery for adoptees and natural parents. If the adoptee is born in one province but adopted in another, they are unable to access information because of this. Closed record provinces need to introduce legislation to bring them in line with open record provinces so that all adoptees and natural parents are treated equally in regards to access to information across the country.

All involved persons in these matters should upgrade their training so that they are made aware of what their legal obligations are with regards to the rights of people using their services. Even now, some professionals mislead parents on their rights. The public have a right to know what their rights are and to have those rights respected. Furthermore, no professional should ever tell anyone that they are not entitled to any legal rights when they are. It is an unacceptable practise that should have ceased years ago. The Ontario government and associated bodies must look into disciplinary actions when this occurs. According to literature funded by the Ontario government, those adults who were foster children seem to be unwarranted targets for such human rights violations simply because they were brought up in care. This form of discrimination must cease, especially for young parents in hospital.

Ontario is the only province in Canada where the Ombudsman does not have oversight of children's aid societies and hospitals. It seems that the current mechanisms are not working as people have recently been told that they are not entitled to legal rights in hospitals, particularly in maternity wards. Therefore, the Ontario government must pass legislation for Ombudsman oversight of these areas to prevent people being denied their rights, especially those of a legal nature.

Governments and their authorities need to be clear on their own laws as there still seems to be some confusion from them about people's rights. Conflicts in laws need to be resolved.

References and Notes

Article 8 of the UN Convention on the Rights of the Child

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

UN, 2007. Available at: <http://www2.ohchr.org/english/law/crc.htm> . Accessed 25 July 2012

Article 2 of the UN Convention on the Rights of the Child

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

UN, 2007. Available at: <http://www2.ohchr.org/english/law/crc.htm> . Accessed 25 July 2012

UN Declaration of Human Rights - Article 25.

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

UN, original 1948. Available at: <http://www.un.org/en/documents/udhr/> . Accessed 26 July 2012

Revised Statutes of Ontario, 1960 - Vital Statistics Act - Registration of Births

6 – (1) Within thirty days after the day of the birth within Ontario of a child

- (a) Mother;
- (b) If the mother is incapable, the father or;
- (c) If the mother and the father are incapable, the person standing in place of the parents of the child shall complete, certify and deliver or mail a statement in the prescribed form respecting the birth to the division registrar of the registration division within which the child was born, provided that the Registrar General may accept the statement of the father although the mother is not incapable.

(2) Notwithstanding subsection 1, the father of an illegitimate child is not required to register the birth of the child. ...

(4) No indication of the paternity of the child shall be given in the registration of the birth of a child of a married woman, but the particulars of the husband may be given, provided that the statement is not rendered unreceivable by reason only of failure to supply the particulars of the husband.

(5) In the registration of the birth of a child of an unmarried woman, the child shall be registered in the name of the mother and no person shall be named as the father, provided that, where the person acknowledging himself to be the father and the mother so request in writing, the father may be named and the child registered in the name of the father in accordance with the request, and, if the request is made after the registration of the birth, the Registrar General may amend the registration in accordance with the request by making a notation thereon.

Revised Statutes of Ontario (1960) Vol. 4. Pages 1344-1345. Toronto: Queens Printers Available at: <http://archive.org/details/v4revisedstatuteso1960ontauoft> . Accessed 25 July 2012

The following sections and subsections mentioned in the report can be found on these pages from the above link.

Section 3 (1) and (2) Page 1343 under “Administration”

Section 32 (1) and (3) Page 1358 under “Corrections of Errors in Registrations”

Section 33 (1) Pages 1358 – 1359 under “Corrections of Errors in Registrations”

Further information on “Correction of Errors in Registrations”

“33-(2) Where an order is made under subsection 1, the Registrar General shall attach the order to, and cause a notation of the order, to be made on the existing registration, and the existing registration and order shall be filed with the substituted registration.

(3) If, subsequent to the substitution of a registration under this section, application is made for a birth certificate pursuant to this Act, the certificate shall be issued having regard to the substituted registration only, but, if a certified copy of the registration of the birth is required, the certified copy shall include a certified copy of the original registration, the order and the substituted registration. (Page 1359 from above link).

Every notation to be dated and initialled.

30.-(5) (Page 1358 from above link)

Fathers being added to birth registration if they marry the mother any time after birth
12,-(1) (Page 1348 from above link).

Revised Statutes of Ontario, 1970 – Vital Statistics Act – Registration of Births

6 – (1) Within thirty days after the day of the birth within Ontario of a child

- (a) Mother;
- (b) If the mother is incapable, the father or;

(c) If the mother and the father are incapable, the person standing in place of the parents of the child shall complete, certify and deliver or mail a statement in the prescribed form respecting the birth to the division registrar of the registration division within which the child was born, but the Registrar General may accept the statement of the father although the mother is not incapable.

(2) Notwithstanding subsection 1, the father of an illegitimate child is not required to register the birth of the child. ...

*(4) Except as provided in subsection 5, the birth of a child of a married woman shall be registered showing the surname of the husband as the surname of the child, and the particulars of the husband shall be given as those of the father of the child.

(5) Where a married woman to whom a child is born files with the division registrar a statutory declaration in the prescribed form,

- (a) that when the child was conceived that she was living separate and apart from her husband; and
- (b) that her husband is not the father of the child,

no particulars of the father shall be given in the statement mentioned in subsection (1) unless the mother and a person who acknowledges himself to be the father of the child both so request in writing in the prescribed form, in which case the particulars of the person so acknowledging may be given as the particulars of the father, or the birth may be registered showing the surname of the person so acknowledging as the surname of the child, or both.

(6) If the request referred to in subsection 5 is made after the registration of the birth, the Registrar General shall amend the registration in accordance with the request.

*(7) Except as provided in subsection 8, the birth of a child of an unmarried woman shall be registered showing the surname of the mother as the surname of the child, and no particulars of the father shall be given.

(8) Where an unmarried woman who is the mother of a child and a person acknowledging himself to be the father by statutory declaration in the prescribed form so request, the particulars of the person so acknowledging shall be given as the particulars of the father and the birth shall be registered showing the surname of the person so acknowledging as the surname of the child.

(9) The statutory declaration mentioned in subsection 8 shall be filed by the mother with the division registrar, or, if the declaration is made after the registration of the birth, with the Registrar General, and in the latter case, the Registrar General shall amend the registration in accordance with such declaration. 1960-61 c. 102, s.1 part.

*Subsections (4) and (7) shown above are those that are referred to in the report.

Revised Statutes of Ontario (1970). Vol. 5. Pages 1018 – 1019. Toronto: Queens Printers.

Available at: <http://archive.org/details/v5revisedstatute1970ontauoft> . Accessed 25 July 2012.

The following sections and subsections mentioned in the report can be found on these pages from the above link.

Section 3 (1) and (2) Page 1017 under “Administration”

Section 30 (1) and (3) Page 1030 - 1031 under “Corrections of Errors in Registrations”

Section 31 (1) Page 1031 under “Corrections of Errors in Registrations”

Further information on “Correction of Errors in Registrations”

“31-(2) Where an order is made under subsection 1, the Registrar General shall attach the order to, and cause a notation of the order, to be made on the existing registration, and the existing registration and order shall be kept in a separate file and sealed.

(3) Where a substituted registration of birth is made and an application is made for a birth certificate or certified copy of registration in respect of the birth, the certificate or certified copy shall be issued having regard to the substituted registration only. (Page 1031, from above link)

Every notation to be dated and initialled.

30.-(5) (Page 1031 from above link)

Fathers being added to birth registration if they marry the mother any time after birth

12.-(1) (Page 1022 from above link)

Supreme Court of Canada Ruling – Fathers Names on Birth Registrations

Darrell Wayne Trociuk - v. - Attorney General of British Columbia, the Director of Vital Statistics and Reni Ernst

The Supreme Court of Canada ruled that the British Columbia Vital Statistics Act, R.S.B.C. 1996, c. 479, on their own or in their effect, discriminates against biological fathers on the basis of sex, by providing biological mothers with sole discretion to include or exclude information relating to biological fathers when registering the birth of a child, contrary to s. 15(1) of the Canadian Charter of Rights and Freedoms.

Available at:

http://www.canadiancrc.com/Baby_Naming_Case-Supreme_Court_of_Canada.aspx

Accessed 26 July 2012.

Fathers have not needed to be at the birth to be registered since at least 1960 (pre-1960 law not researched for this submission). Fathers have up to 30 days from the birth to register. There are now 2 methods for registration; fathers can use a paper form obtained from the hospital or by computer using online facilities on a trust system. Parents are advised to review the form. The site also states “It is an offence to sign someone else’s name on the form. If one of the parents is unavailable, send the form to him/her to be signed and returned (originals only).”

From 1960 to 1980, most unwed mothers were not told that they could take the form from the hospital in order to obtain the fathers documentation for the birth registration when they had the legal right to do so. Unwed mothers were also denied their legal right to file the birth registration themselves.

ServiceOntario, (2011). *Newborn Registration Service*. Toronto/Thunder Bay.

<https://www.orgforms.gov.on.ca/IBR/introPage.do?link%3AFAQ=%23thingtoknow> . Accessed 28 July 2012.

ServiceOntario, (2011). *Searching for Adoption Information in Ontario*.
Toronto/Thunder Bay. Available at:
http://www.ontario.ca/en/information_bundle/adoption/111872.html . Accessed 27 July 2012.

UN, (2003). Concluding Observations of the Committee on the Rights of the Child: CANADA.

COMMITTEE ON THE RIGHTS OF THE CHILD - 34th session – 3rd October 2003
CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 44 OF THE CONVENTION – CRC/C/15/Add.215

Concluding Observations of the Committee on the Rights of the Child: CANADA

Adoption (art. 21)

30. The Committee is encouraged by the priority accorded by the State party to promoting the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption in Canada and abroad. However, the Committee notes that while adoption falls within the jurisdiction of the provinces and territories, the ratification of the Hague Convention has not been followed-up by legal and other appropriate measures in all provinces. The Committee is also concerned by the fact that certain provinces do not recognize the right of an adopted child to know, as far as possible, her/his biological parents (art. 7).

***31. The Committee recommends that the State party consider amending its legislation to ensure that information about the date and place of birth of adopted children and their biological parents are preserved and made available to these children. Furthermore, the Committee recommends that the Federal Government ensure the full implementation of the Hague Convention of 1993 on the Protection of Children and Cooperation in Respect of Intercountry Adoption throughout its territory.**

UN, (2003). *Concluding Observations of the Committee on the Rights of the Child: CANADA*. Committee on the Rights of the Child, 34th session, 3rd October, 2003.
UN: Geneva. Available at: <http://www2.ohchr.org/english/bodies/crc/past.htm> . Accessed 28 July 2012. *This paragraph was in bold in the original report to emphasise this point.

Article 7 of the UN Convention of the Rights of the Child

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

UN, 2007. Available at: <http://www2.ohchr.org/english/law/crc.htm> . Accessed 28 July 2012

Government of Canada, (2009). *Convention on the Rights of the Child; Third and Fourth Reports of Canada Covering the period January 1998 – December 2007*. Available at:
http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-CAN-3_4.pdf . Accessed 28 July 2012.

Vital Statistics Acts (2011) and, Child and Family Services Act (2011). Government of Ontario

The Ontario Government is confused about the different powers that each of its officials has.

According to the Vital Statistics Acts, the Registrar General may not be able to make any alterations to the registration as previously mentioned but the Child and Family Services Act says that the Government of Ontario Ministry can update records. These are 2 different offices with 2 different powers.

Clause 72 in Vital Statistics Act says that records can be used for genealogical research.

Vital Statistics Act (Ontario)

R.R.O. 1990, REGULATION 1094 - GENERAL

Consolidation Period: From September 1, 2011 to the e-Laws currency date.

Last amendment: O. Reg. 357/11.

Access to and Information from Records

72. (3) The following persons may be given such information from the records in the Registrar General's office as is appropriate in the circumstances:

1. A person undertaking genealogical research in respect of the person's family. R.R.O. 1990, Reg. 1094, s. 72 (3).

Vital Statistics Act

R.S.O. 1990, CHAPTER V.4

Consolidation Period: From July 1, 2012 to the e-Laws currency date.

Last amendment: 2012, c. 8, Sched. 58.

Note – Although the Registrar General may not be able to make alterations on the original birth registrations, the Child and Family Services Act says that the Ministry can update adoption records (see Child and Family Services Act below).

Vital Statistics Act, (2011), Government of Ontario

Adoption Orders

Restriction on changes, etc., to original registration

28(6) After the original registration is sealed under subsection (2), the Registrar General shall not at any time amend it, add information or particulars to it, correct errors by making notations on it, substitute a subsequent registration for it or cancel it, despite any other provision of this Act. 2005, c. 25, s. 3.

Available at: <http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>

Accessed 29 July 2012.

Child and Family Services Act, (2011). Government of Ontario

This first line in this act says "Despite any other *Act* which also means despite the Vital Statistics Act. This means that this Act over-rules the Vital Statistics Act and that information can be updated by the Ministry or the Children's Aid Society (CAS) but not by the Registrar General. The Ontario Government has decided that this clause does not apply to the original birth registrations of adoptees but others would disagree with that interpretation of the law.

Confidentiality of Adoption Records - Confidentiality of adoption information

165. (1) Despite any other Act, after an adoption order is made, no person shall inspect, remove, alter or disclose information that relates to the adoption and is kept by the Ministry, a society, a licensee or a designated custodian under section 162.1 and no person shall permit it to be inspected, removed, altered or disclosed
**** unless the inspection, removal, alteration or disclosure is, ****
(a) necessary for the maintenance or ***updating*** of the information by the Ministry, society, licensee or designated custodian or their staff;
or
(b) authorized under this Act. 2008, c. 5, s. 13.

Application

(2) This section applies regardless of when the adoption order was made. 2005, c. 25, s. 19.

It is clear that the Ministry has the legal power to update records and restore missing information, including that of original birth registrations, if it wanted to. Societies are approved agencies designated as a children's aid societies which means that the Children's Aid Societies (CAS) approved in Ontario could "update" records too. In theory this means that the CAS could help the Ministry update original birth registrations from paternity statements made as statutory declarations that the CAS holds. (Stars added for extra emphasis).

Available at: <http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>
Accessed 29 July 2012.

Children Born in One Province but Adopted in another Denied information

This clause causes problems for adoptees because if the information is transferred to a province where the adoption records remain closed, adoptees are unable to get their original birth registration along with other possible information. There seems to be no agreement among the provinces as how to tackle this problem where the information of birth comes from an open records province to one that is closed and then people are refused their information. Adoptees have found that they are bounced back and forth between provinces, with neither province willing to give the adoptee any information. The Ontario government will only release the information to adoptees if the adoptee was both born *and* adopted in Ontario. That is discrimination against other adoptees who were born in one province but adopted in another.

Adoption Orders - Child born in another jurisdiction, Province or state

30. (1) If a child born in another province or in any state has been adopted in Ontario under the Child and Family Services Act, or a predecessor of it, the Registrar General shall transmit a certified copy of the order to the person having charge of the registration of births in the province or state in which the child was born.

Available at: <http://www.e-laws.gov.on.ca/navigation?file=home&lang=en>
Accessed 28 July 2012.

Crawford, S. (2008). *Public attitudes in Canada toward unmarried mothers, 1950-1996*. Edmonton: University of Alberta.

Available at:

<http://webcache.googleusercontent.com/search?q=cache:2sj2CiagNmgJ:ejournals.library.ualberta.ca/index.php/pi/article/download/1425/966+Public+Attitudes+in+Canada+Toward+Unmarried+Mothers,+1950-1996+Susan+Crawford&cd=2&hl=en&ct=clnk&gl=uk>

Accessed 29 July 2012.

Human Rights Tribunal of Ontario

<http://www.hrto.ca/hrto/> . Accessed 29 July 2012.

Children and Family Services Act 1990, (2009). s3. (1) (r) (ii).

Office of the Legislative Counsel: Halifax. Available at:

<http://nslegislature.ca/legc/statutes/childfam.htm> . Accessed 28 July 2012.

This is about a charter challenge brought in 2011. It alleges that a CAS worker told a mother that she did not have certain rights when in fact that mother did. This is despite an Ontario government funded leaflet that says that the mother should obtain legal advice, yet the social worker allegedly told the mother that she was not entitled to such rights. This shows that even now professionals do not seem to know what their own professional guidelines are and that they need to be trained further to educate them so that they know what people are entitled to. They must be made to realise that it is an abuse of human rights to deny people information or, even worse, tell people that they do not have a certain right when they do. (see link below "Family Law Education for Women").

Normand-Denis, S. (2011). *Sophie's Challenge*. Internet Archive.

Available at: <http://www.archive.org/details/SophiesChallenge> . Accessed 29 July 2012.

Family Law Education for Women (2012). *Child Protection and Family Law*. Available at: <http://www.onefamilylaw.ca/en/childprotection/> . Accessed 29 July 2012.

The Ontario Ombudsman

<http://www.ombudsman.on.ca/Home.aspx>

Canadian Council of Natural Mothers

<http://www.ccnm-mothers.ca/>

Origins Canada

<http://www.originscanada.org/>

Looking In Ontario

<http://groups.yahoo.com/group/lookinginontario/>

The personal histories of many natural parents and adoptees have also contributed to this submission. There are too many to include in this limited space but the author would like to thank them all for their help with this report.

EVIDENCE

Item 1 – News Article from Toronto Star

Baute, N. (2009). *Adoptees can find mom but not dad*. Toronto Star: Toronto.

Available at:

<http://www.thestar.com/living/article/736964--adoptees-can-find-mom-but-not-dad>

Accessed 26 July 2012.

Relevant information from this article;

“Out of all 250,000 Ontario adoption registrations, less than 10 per cent have fathers' names on them, according to the Ministry of Government Services.”

“Until the mid-1980s, an unmarried woman could not put her baby's father's name on the statement of birth unless she and the father made a statutory declaration that he be named, according to the Vital Statistics Act. The child was "illegitimate," a word that was not removed from the act until 1981.”

“But when unmarried women filled out the father's section anyway, it seems the information was removed – whited out, blacked out or covered up.”

“Mothers interviewed by the Star say they remember putting the names of their children's fathers on birth registration forms they filled out in hospitals many years ago. In some cases, the fathers were present at the time of birth, or signed a declaration of paternity and other identifying documents during the adoption process.”

“Karen Lynn distinctly remembers writing her son's father's name on his birth registration in the hospital in 1963, when she was 19.”

“Lynn is the president of the Canadian Council of Natural Mothers and a member of the coordinating committee for the Coalition for Open Adoption Records. She says she expected many fathers' names to be missing from records, because unmarried women were discouraged from naming them.”

“But she was shocked to learn, as records trickled in, that names had been removed.”

“Michael Prue, the community and social services critic for the Ontario NDP, says unmarried women were told not to name a father. "Young women were discouraged, and it was because of shame and everything else," he says. Summing up the attitude then, he says: "You're not married, the child doesn't have a father, leave that blank." ”

“Yes, he says, some names could have been scratched out. "Some people 30 or 40 or 50 years ago may have thought that was the right thing to do. A lot has changed." ”

“Leslie Wagner received a copy of her son's statement of live birth, which she filled out at the Toronto Western Hospital in June 1982. The record is in her 17-year-old handwriting, but it appears to have been doctored: the father section looks like it has been replaced with a blank version of the same section. ”

“Catherine Cunningham (her maiden name) says her son's father was by her side in the hospital in November 1981. She was sure he was named on the birth registration – and he later signed an acknowledgment of parentage with the Ministry of Community and Social Services. But his name isn't on the statement of birth. "Should my son request his original birth certificate, his first instinct will be that I did not know who his father was, which is unsettling to say the least, and completely not true," she says.”

“As far as they know, none of the people in this story has been affected by a nondisclosure veto.”

“Lynn says fathers' rights have also been violated. If a father of a child given up for adoption is not listed on the statement of birth, he probably won't be able to see the file. "They can apply, but they won't get it, because they weren't named."

Item 2 – Article from Men's News Daily

Franklin, R. (2009). *Ontario Opens its Old Adoption Records – Surprise! No Dads!* Men's News Daily. Source: Origins Canada. Available at:

<http://www.originscanada.org/2009/12/ontario-opens-its-old-adoption-records-%e2%80%93-surprise-no-dads/> . Accessed 26 July 2012.

Relevant information from this article:

“...the law, up until 1986, forbade listing the father's name on birth registries or adoption papers for children of unmarried mothers unless both mother and father demanded it. So only some 10% of those documents identify a father. Indeed, many mothers to this day remember writing in the father's name, only to have it removed. Hospital and adoption personnel throughout the 40s, 50s, 60s, etc., were told to discourage identifying fathers.”

“More amazing still is the fact that it seems that now, even if a father's name does appear on the old documents, provincial personnel are still prohibited from divulging it.”

“The detriments to the practice are obvious. The first is that adoptees need to know their biological parents for medical reasons. Countless illnesses and medical conditions have hereditary components, knowledge of which is necessary to adoptees and their doctors. Adoptees who can't identify their fathers can't know that vital information. Second, a lot of adoptees want to know their biological parents. It's a very common phenomenon. For a government to thwart that kinship urge seems punitive and serves no apparent purpose.”

“...denying adoptees knowledge of their paternity when that information does exist carries the same anti-dad prejudice into the present day.”

Item 3 – News Article from the National Post

Carlson, K.B. (2012). *These women didn't know their options': Ontario urged to consider inquiry into coerced adoptions.* National Post: Don Mills, Toronto. Available at:

<http://news.nationalpost.com/2012/03/15/coerced-adoptions/> . Accessed 26 July 2012.

Relevant information from this article;

“It was a travesty of justice,” said Sam Sussman, a former children’s aid worker in Winnipeg and now an assistant professor of psychiatry at the University of Western Ontario. “I regret being part of the system. I bought into the philosophy of my peers and the people I looked up to.... I apologize.”

“These women didn’t know their options, so if that’s coercion, then yes, they were coerced,” Mr. Sussman said.”

“Mr. Reichwein and Mr. Sussman add their voices to that of retired Calgary judge and former social worker, Herbert Allard, who on Monday corroborated some of the claims mothers have made about systemic and coercive adoption.”

“Today a social historian, Mr. Reichwein said he has copies of various historic reports proving the Alberta government had an agenda when it came to unmarried pregnant women decades ago. In response to an explosive 1947 report by the Imperial Order Daughters of the Empire alleging coerced adoptions, Mr. Reichwein said three judges responded with a Royal Commission report to the Alberta Department of Public Welfare. In their report, he said they stated that an unmarried woman’s punishment should be “immediate and grievous” and that “the state ought to do whatever it can to remove the damage of illegitimate birth from the child.”

Item 4 – Second News Article from the National Post

Carlson, K.B. (2012). *Coerced adoption: Salvation Army launches review of maternity homes that housed unwed mothers*. National Post: Don Mills, Toronto. Available at: <http://news.nationalpost.com/2012/03/13/coerced-adoption-salvation-army-launches-review-of-maternity-homes-that-housed-unwed-mothers/>. Accessed 26 July 2012.

Relevant information from this article;

“The Salvation Army says it is conducting an internal review into its historic maternity homes, just as a retired Calgary judge — who was once a high-ranking child welfare worker in the city — has come forward and corroborated some of the claims mothers have recently made about coercive adoption practices directed at unmarried mothers decades ago.”

‘These people thought they were doing good – they thought these girls were sluts. They thought they were rescuing these children from a life of poverty,’ said Herbert Allard, a former social worker, who said he was prompted to speak out upon reading the National Post’s story on forced adoptions over the weekend.

“At the time, I was divorced from the reality ... It upset me in a way, but it’s just what went on.”

“His account appears to confirm the coercion was systematic... city social workers purposefully withheld information...”

“A social worker’s decision to conceal information about a woman’s options appears to have been more widespread than isolated.”

“Lori Chambers, who pored over thousands of archived children’s aid cases for her book, *Misconceptions*, about unmarried mothers in Ontario from 1921-1969, said social workers would not have wanted to encourage unmarried women to keep their baby.”

“In a 1970 letter to what was then called the Ontario Department of Social and Family Services, an adoption coordinator named Victoria Leach said many of the young girls she visited in a Presbyterian-run maternity home were ill-informed ...”

“I had things said to me yesterday like ... ‘My social worker never mentioned that to me,’ Ms. Leach wrote.”

Item 5 – Third News Article from the National Post

Carlson, K.B. (2012). *The fathers had no say’: Men tell another side of coerced adoption story*. National Post: Don Mills, Toronto. Available at: <http://news.nationalpost.com/2012/03/13/the-fathers-had-no-say-men-tell-another-side-of-coerced-adoption-story/> . Accessed 26 July 2012.

Relevant information from this article;

“In Sutton, Ont., Raymond Cave said he was never asked to sign a surrender document in 1967, even though the people handling the adoption knew he was the father.”

“There’s a whole other side to this story,” said Mr. Cave ... “The fathers had no say — no legal rights. No one was ever supposed to know who the father was, let alone come ask me for a signature. It was like I didn’t exist.”

“A month later in a Sault Ste. Marie courtroom, Ms. Dawe officially surrendered her child. When she asked to put Mr. Cave’s name on the surrender papers, she said the court clerk told her it was no use. His name would be whited-out.

The couple said they were never told of their right to revoke consent if they changed their mind during a cooling-off period, nor of the option for a temporary wardship, which might have bought the couple time since Ms. Dawe had turned 18 and could legally marry.

Herbert Allard, a retired Calgary judge who was a high-ranking child welfare worker in the early-1940s and 1950s, said fathers were treated as “non-persons.” They sometimes signed surrender documents under the threat that children’s aid would come after them for exorbitant amounts of child support, one historian has said.

“We didn’t think they had rights at all,” Mr. Allard said ... if some men did want to keep the baby, it didn’t matter. They had no status.”

Item 6 – E-mail from the CCNM to the Ontario Ombudsman

E-mail from Karen Lynn of the Canadian Council of Natural Mothers to Jeffrey Cutler of the Office of the Ontario Ombudsman with regards to the deletion of father’s names. Here are the relevant parts of that e-mail with regards to father’s names. Dated 3 September 2010. Subject: Deleted father’s names on Registrations of Live Birth completed by unmarried mothers.

Permission granted by Karen Lynn. Murray Luck is a Team Manager at the Registrar General's Office in Thunder Bay, Ontario.

Dear Mr. Cutler:

....

In my group, the Canadian Council of Natural Mothers, not one mother from Ontario who received her child's original registration of live birth reports that the name of the child's father was on the form. Some, like me, recall clearly writing the father's name on the form; others were forbidden by either nurses or social workers to record the father's name. Some had officials rip up the form and they were told to re-write it, minus the father's name. Clearly some of the forms had pieces of paper pasted over the fathers' names. In one case, a young mother's social worker rewrote and signed the form in the forged name of the mother.

Mr. Murray Luck of Ms. Hartman's staff told me in a telephone conversation that "local registrars" altered our signed Statements of Live Birth, routinely, to ensure that they complied with the Vital Statistics Act of the time. I find this to be a bizarre practice—altering a profoundly important legal document to suit a law, after a person was asked to sign it, certifying the truth.

Virtually all of the forms that we received since June 2009 had been scribbled on and defaced. Yet, we young mothers, thought that our signatures certified the truth of our children's origins and that these documents could not be altered. This is deeply offensive to us. It appears that, in reality, documents do not become certified until after a government official tampers with them without the knowledge of, or permission from, the signator. How very different from a common real estate transaction!

....

Many young fathers who wanted their children were not allowed to see or hold their babies, to sign the Registration of Live Birth, or to participate in parenthood in any way.

In consequence of the unethical practice by social workers, hospital staff and government workers (of defacing Registrations of Live Birth or refusing to let a mother complete it as she wished), our adult children who applied for and received their original birth certificates, do not have any recorded fathers' names. For some, this means that half of their ancestry is denied to them. For those who are lucky enough to have found their first mothers alive and willing to disclose the identities of their fathers, this is a small problem. However, most unfortunately, those who find a mother who passed away, taking the identity of her child's father with her, may never know their father's identity. Similarly, if a mother vetoed her identity on the original birth certificate, and the father's name was blank, the adoptee is likely unable to find out who his or her father was.

I would appreciate it very much if we could have a conversation in person about how to proceed. I would be happy to visit you in your office.

....

Yours truly,

Karen Lynn
Canadian Council of Natural Mothers

Item 7 – Original Birth Registration of an Adoptee

Here is proof that the Registrar's office did not follow the law at the time. There is a mistake on this registration. In the "Place of Birth" box, the mother has accidentally written the word "York". However, it has been crossed out and the words "Municipality of Metropolitan Toronto" has been stamped under it. This is an alteration on the original birth registration which no one was allowed to make under the law. There is no notation made alongside of that to denote the mistake or any initials signed by it. The person who made this illegal alteration remains unknown because of this. The divisional registrar has clearly not followed the law in this case if indeed it was that person.

The law at the time stated this for corrections made by the division registrar:

"30. - (1) If, while the registration of any birth, death or still-birth is in the possession of a division registrar, it is reported to him that an error has been made in the registration, he shall inquire into the facts and, if he is satisfied that an error has been made in the registration, he may correct the error according to the facts by a notation on the registration without any alteration being made in the registration." (Corrections of Errors in Registrations, Vital Statistics Act, 1970).

If the Registrar General had made this alteration, then he/she was also not following the law. Here is the law at the time which states clearly what the Registrar General was allowed to do. It is clear that this was not followed either as the original birth registration has clearly been altered which is not allowed under this law. There is no notation as required by law either.

"30. - (3) If, after a registration has been received or made by the Registrar General, it is reported to him that an error has been made, the Registrar General shall inquire into the facts and, upon evidence satisfactory to him, supplemented by statutory declaration in the prescribed form, he may correct the error by a notation on the registration without any alteration being made in the registration." (Corrections of Errors in Registrations, Vital Statistics Act, 1970).

The father's section of this original birth registration had been left blank by the mother so that the father could fill it in. The mother had attempted to fill in a form just before filling out this one but hospital staff took the first form out of her hand, tore the first form up and told the mother to do the form again minus the father's particulars. The staff then told the mother that she had to hand the form straight back to them without any consultation with the father. The hospital staff had no legal authority to do either of those things. Unwed parents were legally allowed up to 30 days to file the birth registration. Furthermore, unwed mothers were allowed to file the original birth registrations themselves. The unwed mothers were allowed to fill in the father's name as long as the required paperwork was attached to it (the paternity statement and letter of consent). At no time did anyone have the legal right to prevent the mother writing in the details of the father before registration nor did they have the legal authority to demand an immediate return of the form in hospital without consultation with the father. This registration was certified in 3 days. The father did not have a chance to see this.

The Ontario government (see Item 8) claims the Registrar General received this with the line drawn through the father's section. It is clear that a different pen has been used for this purpose. This means a third party tampered with this legal document before it ever reached the Registrar General's office. That would be an illegal act designed to prevent the father from being able to exercise his legal rights under Ontario law to be named on the original birth registration. Eye-witnesses have seen nurses drawing lines on these.

TYPE OR PRINT

Form 2
(VSA 1970) PROVINCE OF
ONTARIO (Canada)

Office of the Registrar-General

STATEMENT OF
LIVE BIRTH

Registration No. (Department use only)

Do Not
Write
In
This
Space

CHILD LAST NAME	1. [REDACTED]		2. SEX OF CHILD MALE
GIVEN NAMES	3. Month (by name), day, year of birth [REDACTED] / 1978		4. Please state if mother is: Married, widowed, divorced or single (The term "common law" or "separated" not to be used) SINGLE
DATE OF BIRTH	5. Name of hospital (If not in hospital give exact location where birth occurred) WOMEN'S COLLEGE HOSPITAL Borough, city, town, village, township (by name) TORONTO		Regional municipality, county or district YORK
PLACE OF BIRTH	MUNICIPALITY OF METROPOLITAN TORONTO		
PARENTS		MOTHER	
FATHER		MOTHER	
6. SURNAME of child's father NAME All given names		10. MAIDEN NAME (name before marriage) [REDACTED] All given names	
7. City, town or other place of birth (by name) BIRTHPLACE Province (or country if outside Canada)		11. City, town or other place of birth (by name) TORONTO Province (or country if outside Canada) ONTARIO	
8. Month (by name), day, year of birth BIRTHDATE		9. AGE (at time of this birth)	12. Month (by name), day, year of birth 13. AGE (at time of this birth)
14. Complete street address. If rural give exact location, not Post Office or Rural Route address USUAL RESIDENCE OF MOTHER TORONTO		15. Complete mailing address (if different from item 14). If rural give Post Office or Rural Route address MAILING ADDRESS OF MOTHER YORK ONTARIO	
16. Duration of pregnancy (in completed weeks) BIRTH PARTICULARS FORTY - TWO weeks		17. Number of children ever born to this mother (including this birth) Number Liveborn ONE	Number Stillborn NONE
18. Weight of child at birth lb. oz. (DR) grams		19. KIND OF BIRTH - State whether single twin triplet SINGLE	20. If twin, triplet, state whether this child was born 1st, 2nd, 3rd.
21. Name of attending physician (or other attendant) ATTENDANT Complete mailing address c/o WOMEN'S COLLEGE HOSPITAL, 76 GRENVILLE STREET, TORONTO, ONTARIO		<input checked="" type="checkbox"/> Physician <input type="checkbox"/> Nurse <input type="checkbox"/> Other	
22. I certify the foregoing to be true and correct to the best of my knowledge and belief: CERTIFICATION OF INFORMANT		Signature of Informant X	
23. Relationship of informant to child MOTHER		24. Date signed - Month (by name), day, year JUNE 12 1978	
DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY			
CERTIFICATION OF DIVISION REGISTRAR		I am satisfied as to the correctness and sufficiency of this statement and register the birth by signing this statement Deputy Division Registrar Code No. 700025 Signature of Division Registrar 7575	
Registration Number		Code Number	Date: Month, day, year JUNE 15 1978 ADOPTION
For Department use only: JUN 16 1978 M.W. 4-2302-2.7 30-10-74 1010101 U.S.A. R.S.O. 1970, Chap. 483, Sec. 1 REGN. NO. [REDACTED] COUNTY NO. 70 MAR 16 1978 10 86			

Item 8 – Letter from the Ontario Government

This letter is in reference to the above original birth registration (Item 7). It confirms that the Registrar General received this form with the line already drawn through. Stars mark the relevant paragraph with regards to that.

Ministry of
Government Services

Office of the Minister

99 Wellesley Street West
Room 4320, Whitney Block
Toronto ON M7A 1W3

Tel.: 416 327-2333
Fax: 416 327-3790

Ministère des Services gouvernementaux

Bureau du ministre

99, rue Wellesley Ouest
Bureau 4320, Édifice Whitney
Toronto ON M7A 1W3

Tél. : 416 327-2333
Téléc. : 416 327-3790



December 9, 2009

Dear Mrs.

Thank you for your e-mails dated November 20 and 23, 2009, addressed to Premier Dalton McGuinty and myself, regarding your inquiry about birth information. As Minister of Government Services responsible for ServiceOntario's vital events registration services, I am pleased to respond.

My ministry is responsible for the administration of the *Vital Statistics Act* (VSA), the *Marriage Act* and the *Change of Name Act*. This legislation gives the ministry authorization to direct a system to register and maintain records of all births, stillbirths, deaths, marriages, adoptions and name changes that occur in Ontario. By doing this, the ministry is then able to provide proof of vital event registration services in the form of certificates and copies of registration records.

In 1978, the form that became your child's birth registration was received with a diagonal line drawn through the father's section. At that time, in accordance with the VSA, it was required that mothers identify only their husbands in the father's section of the form. However a person could be added to the father's section in accordance with the following legislative authority at the time:

6. (8) – Where an unmarried woman who is the mother of a child and a person acknowledging himself to be the father by statutory declaration in the prescribed form so request, the particulars of the person so acknowledging shall be given as the particulars of the father and the birth shall be registered showing the surname of the person so acknowledging as the surname of the child.

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Item 9 – Contact Preference Form – Page 1

Only fathers who are on the original birth registration can use this form (see circled information below)



Ministry of
Government Services
Office of the Registrar General

Adoption Information Disclosure Application to Register or Withdraw a Notice of Contact Preference

Please mail your completed form to the
Office of the Registrar General
PO Box 9000
Thunder Bay ON P7B 0A5
If you have any questions, please call
Within North America: 1 800 461-2156
In Toronto or internationally: 416 325-8305

(THIS SPACE RESERVED FOR OFFICE USE ONLY)

Important

Please read through the instructions thoroughly before completing this form.
Please print clearly in blue or black ink.

Applicant's Name:

Current Legal Surname (Last Name)	First and Middle Names		
-----------------------------------	------------------------	--	--

Mailing Address at which correspondence from this office regarding this application can be mailed to you:

Street No.	Street Name	Apt. No.	Buzzer No.	PO Box
City/Town		Province/State		
Country		Postal/Zip Code	* Telephone Number	Ext.

* A telephone number may be used by this office to contact you regarding this application. If you do not wish to be contacted by telephone, do not include a telephone number.

Service Requested: Check only one box

Register a Notice of Contact Preference Withdraw a Notice of Contact Preference

Date of any previously submitted Notice of Contact Preference (if known) _____

Additional Information Included with this Notice of Contact Preference:

Do not complete if you are withdrawing a Notice of Contact Preference

The methods in which I would like to be contacted

Please Identify if you are

The Adopted Person and you are _____ years old (you must be at least 18 years old to apply) or
(current age)

A Mother named on the original birth registration* or

A Father / other parent named on the original birth registration*

* See instructions for adoptive parents who are eligible.

Note: Complete the section below only if you are the adopted person.

Who should this Notice of Contact Preference or Withdrawal apply to? Check only one box

A mother named on the original birth registration or A father/other parent, named on the original birth registration

Item 10 – Contact Preference Form Page 6

This is the last page of this form. It states that making a false statement can make that person liable to a fine of up to 50,000 dollars and imprisonment for up to 2 years. Any father who uses this form who is not on the original birth registration is making a false statement as being named is a condition of applying. Un-named fathers are therefore denied this service.

Application to Register or Withdraw a Notice of Contact Preference

As the applicant, you must sign and date this page in order for the application to be processed.

Making a false statement:

On conviction, a person who wilfully makes a false statement in this application is liable to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years less a day or both.

Signed Statement by the Applicant

I certify that the information given on this application form is true and correct to the best of my knowledge and belief.

I am aware that it is an offence to wilfully make a false statement on this form.

Signature of Applicant (Above)

Date of Signature

The information provided on this form is collected and may be used to determine your entitlement to and provide the service requested, search for and provide copies of the registered Statement or Withdrawal, and for adoption disclosure, severe medical searches, statistical and research purposes, in accordance with the Vital Statistics Act, R.S.O. 1990, c. V.4 and for law enforcement purposes.

You may direct enquiries regarding collection of this information to: Supervisor, ServiceOntario Call Centre, Contact Centre Service Branch, 5775 Yonge Street Toronto ON M3M 3E6 or call 1 800 461-2156 in North America or 416 325-8305 in Toronto and Internationally.

IMPORTANT INFORMATION

Please read prior to submitting your application.

- When a **Notice of Contact Preference** you file is registered, it replaces any Notice of Contact Preference, Disclosure Veto or No Contact Notice intended for the same person, that you previously filed and is currently in effect.
- When a **Notice of Contact Preference Withdrawal** you file is registered, it causes the Notice of Contact Preference intended for the same person, which you previously filed and is currently in effect, to no longer be in effect.
- For more information refer to the **"Guide for Completing and Submitting an Application to Register or Withdraw a Notice of Contact Preference under the Vital Statistics Act"**.

Item 11 – Letter from Ontario Ombudsman

A parent asked the Ontario Ombudsman if the unwed father's name could be put back onto the original birth registration. Here is the reply. The information is incorrect. The Ontario Government told the Ombudsman that the father could use the Contact Preference Form (see Items 9 and 10) but that is not true. The father cannot record himself in this form and he is not allowed to apply as he is not on the original birth registration. It is very disturbing that the Ontario government gives out advice that could land this father in jail. It begs the question as to whether the Ontario government understands the laws that it has created. Ms. Anderson of the Ombudsman office did not check to see if what the government was saying was true. She trusted them to know this information but unfortunately had to be told it was wrong. It could have caused problems for the father if that person had followed that advice. Both the Ontario Government and the Ontario Ombudsman must ensure that information given to the public is correct. After this mistake was raised, the Ontario Ombudsman made more of an effort to investigate more thoroughly. (Letter dated 21 June 2010).



For your information, the Ministry confirmed with our Office that a birth parent can complete an Adoption Information Disclosure - Notice of Contact Preference form, which is available on the Ministry website. The birth parent can add evidence to the file when submitting this form, such as the birth father's name; however, the original birth registration will not be changed.

As stated in your submission, the Ministry has explained its mandate and the legislation and has responded to your concerns. Under the circumstances, we will not be taking any further action regarding the issues you have raised. I hope that the above information is helpful.

Sincerely,

A handwritten signature in black ink that reads "Sharon Anderson".

Sharon Anderson
Early Resolution Officer

Item 12 – Second News Article from the Toronto Star

This is an edited version of the article as the link is no longer working. The natural mother and the adoptee had both signed up to the government adoption registry but they had not been matched for 12 years. It was only when they received the records that they found that a spelling mistake had kept them apart. Once the new information came to light, they were quickly reunited.

<http://www.parentcentral.ca/parent/newsfeatures/article/816866--mother-and-son-together-after-33-years>

Mother and son, together after 33 years - May 31, 2010

Nicole Baute - LIVING REPORTER - From the Toronto Star

When asked what they have in common, Sandra Jones and Jamie Low look at each other and explode into laughter. Their round faces flush with the rosy red of peaches; the laugh lines around their hazel eyes deepen.

Jones and Low met three and a half months ago, after 33 years apart.

Low is 33. Jones, 51, is his mother. She was 17 when he was born. She gave him up for adoption, and has spent the years since thinking about him.

The year Low turned 18, Jones registered with Ontario's Adoption Disclosure Register, hoping he would, too. If they were a match, they would be put in touch. But nothing happened.

There was one small problem: according to paperwork given to his adoptive parents, Low's birth name was Jason Michael Baron. He was looking for a woman with the last name (or maiden name) Baron. At age 21, he had signed up for the Adoption Disclosure Register with all the information he had, including that birth name.

But his actual birth name was Jason Michael Bryan. Someone must have copied it wrong at the time of his adoption.

So Low looked for a woman named Baron and tried to be patient. Jones tried to be patient. But by the time the province of Ontario opened its adoption records on June 1, 2009, she had almost given up, out of frustration.

Last fall, a few months after Ontario opened its long-shuttered adoption records, Low applied for his original birth certificate information. He got his real birth name, and his biological mother's. With a little help from a sleuthing friend, he found his mother's married name.

"I'll stew for both of us," Jones says with a stone-cold stare directed, it seems, to the forces that led to her giving up her son in the first place and the red tape that kept them apart for 12 unnecessary years.

Item 13 – Statements from Ontario Government Members

It seems that even Ontario government members do not understand their own laws.

Mr. Kevin Daniel Flynn (MPP) – Ontario Legislative Assembly

“All adoptive children and all birth parents can still register a no-contact notice or a notice of contact preference.” (Ontario Legislative Assembly Hansard, 8 May 2008).

http://www.ontla.on.ca/web/house-proceedings/house_detail.do?locale=en&Date=2008-05-08&Parl=39&Sess=1&detailPage=/house-proceedings/transcripts/files_html/08-MAY-2008_L042.htm#PARA26

This is not true. Over 90 percent of fathers are not eligible to use this service as their name is not on the original birth registration which is a condition stated in the form. If the politicians who are making the laws don’t understand them, then how do they expect the public to?

Minister Sandra Pupatello;

“We believe that every individual has the right to know about his or her own personal history. We believe that adult adoptees should have the same rights as non-adopted individuals -- the right to know their identity...”

“We believe that individuals who are trying to learn about their identity and personal history should be able to do so without unnecessary hardship and delay.”

Yet the Ontario government is still causing “unnecessary hardship and delay” with regards to missing fathers names. They are refusing to discuss this matter further until 2014 when the law says that they will have to review this legislation at that time. For some, that will be too late. A review does not promise any change in the law.

This is an admission from the government that people have been denied their rights.

Minister Sandra Pupatello

“... for many years we’ve trampled on the rights of those individuals who have a right to know who they are and where they come from ...”

From Ontario Legislative Assembly Hansard (26 April 2005)

http://www.ontla.on.ca/house-proceedings/transcripts/files_html/2005-04-26_L135A.htm#PARA458

Item 14 – Statement from Dr. Marion Hilliard

This statement from Dr. Marion Hilliard, Chief of Obstetrics at Women’s College Hospital in Toronto, influenced the attitudes of hospitals across Canada and affected hospital policy with regards to fathers, especially in the 1960’s and 1970’s. All professionals were encouraged to treat unwed parents this way for decades. This is what Dr. Hilliard thought of unwed parents;

‘The father plays absolutely no part in this. That is part of her rehabilitation. When she renounces her child for its own good, the unwed mother has learned a lot. She has learned an important human value. She has learned to pay the price of her misdemeanor, and this alone, if punishment is needed, is punishment enough.’

(from the article “Mothers not all unhappy” by Dorothy Howarth, Toronto Telegram, 22 November, 1956.)