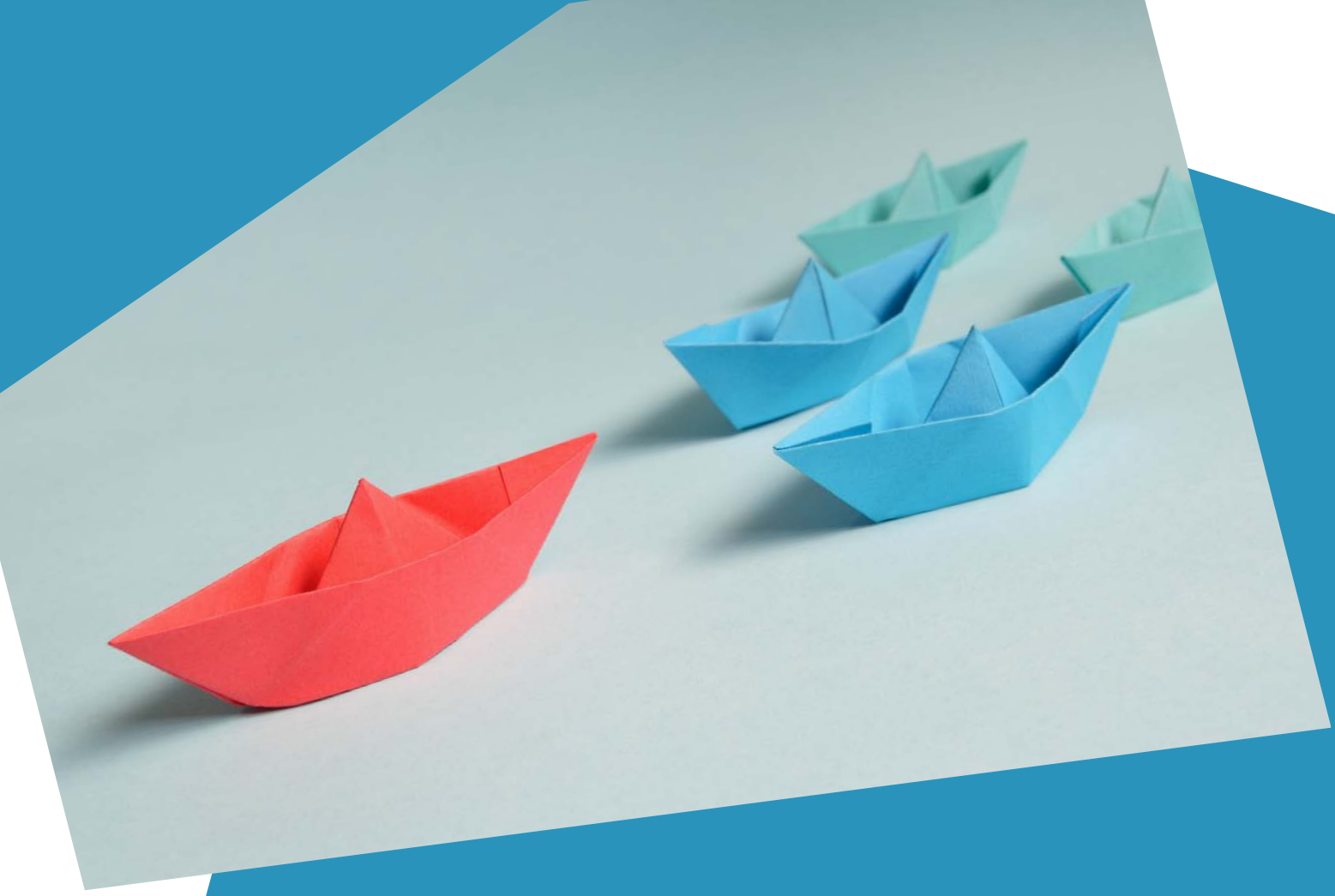

TIME TO ATTACH:

An Argument in Favour of EI Attachment Benefits

A report produced for
Adopt4life (A4L): Ontario's Adoptive Parents Association and the
Adoption Council of Canada (ACC)
by faculty and graduate students from Western University

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A report produced for Adopt4life (A4L): Ontario's Adoptive Parents Association and the Adoption Council of Canada (ACC) by faculty and graduate students from Western University:

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1. Executive Summary

The child welfare system in Canada is in a state of crisis. There are too many children and youth flowing into the system, especially from marginalized social groups including First Nations, Inuit, and Métis peoples, and African Canadians (OHRC 2018; TRC 2015; UN Committee 2012). There are also not enough children or youth leaving the system to join permanent, safe, and loving homes. The permanency options for children who are in the care of the state (who are 'in care,' for short) include reunification with birth parents, adoption, kinship placement, and customary care.[1] This report focuses on the last three of these options, not because it favours them over reunification, but because it is concerned with the care of children for whom reunification is not possible or would not be in their best interests. The main objectives of the report are twofold: first, to show that when these children are placed in permanent families, they need more 'time to attach' to their new parents or caregivers than Canada's EI parental benefits system currently allows them to have; and second, to argue that the government should introduce what we call '*attachment benefits*' for these families.

Because of our focus on permanency for children in care, we are concerned with kinship and customary care placements in which the caregiver obtains, or intends to obtain, permanent legal custody of the child[2] in their care. Many of these cases involve a legal adoption, at some point at least. For this reason and for simplicity, we use the terms 'adoption' and 'adoptive parent' — in their strictly *legal* senses — to refer to all three of the permanency options named above and to adoptive parents, kinship caregivers, and customary caregivers. These are not terms of *identity* in our report; they do not necessarily describe how these different parents or caregivers identify themselves or their families. Some, perhaps many, kinship and customary caregivers who legally adopt the child in their care do not think of their family as an adoptive one or themselves as an adoptive parent.[3] Nonetheless, they are adoptive parents in a legal sense. We adopt this legal language throughout most (not all) of this report.[4] We also recognize that this language is not perfect, since some people who acquire permanent legal custody of a child who is not theirs by birth do not legally adopt this child. (Finding perfect language in this context is a momentous task, as we've discovered!) What we do hope is clear is that our concern lies with all forms of permanency other than reunification.

1 'Customary care is defined as the care and supervision of a First Nations, Inuk or Métis child by a person who is not the child's parent, according to the custom of the child's band or First Nations, Inuit or Métis community' (Legislative Assembly of Ontario 2017, p. iii).

2 For simplicity, we refer throughout to the placement of a single child, even though some placements are of a sibling group. We also refer to children rather than youth, even though the placement of youth is increasingly common. Again, we do this for simplicity.

3 Kinship caregivers are more likely to identify themselves as grandparents, uncles or aunts, or the like, rather than as *parents* (Patti Moses, kinship services worker; personal communication). Still, they perform the activity of parenting, which means that portraying them as parents is not wholly inappropriate. Customary caregivers who are concerned with the way that adoption has been used as a genocidal tool of FNIM peoples in Canada (see Sinclair 2007; Sinclair and Dainard 2017) may avoid using the language of adoption to describe themselves or their families.

4 At certain points, we do distinguish among the different kinds of parents or caregivers whose interests we want to promote.

This report highlights a problem in Canada's system of parental leave benefits,[5] which is that it fails to recognize the unique challenges that tend to accompany an adoption (again, a legal adoption). Consider that adoptive parents are eligible only for what the government calls 'parental benefits,' whereas biological parents are eligible for parental benefits *plus* 'maternity benefits.' The purpose of maternity benefits is to respond to the special challenges that accompany pregnancy and birth. But there are no comparable benefits for adoptive parents, none that respond to needs that are unique to their families compared to biological ones.

What the system does, then, is treat adoption as though it is *parenting minus pregnancy and birth*. On this view, there is nothing special about adoption; it is like any other form of parenting except that it didn't begin with a pregnancy and birth. But such claims about adoption are patently false.

As noted above, the report advocates for the introduction of attachment benefits for adoptive parents. Our main argument in favour of these benefits proceeds as follows. Central among the unique challenges that adoptive parents face is that of encouraging their child to attach to them as their parent or primary caregiver. While all parents can experience difficulties with attachment and bonding, to be sure, the difficulties are heightened and much more common with adoption than with biological reproduction. That is true even when the adoptive parents have a kinship relationship to the child, because children tend to lack the kind of attachment we're focused on with kin who are not their biological parents.

Adopted children often have trouble forming secure attachments to their new parents, understandably so given the kinds of experiences they tend to have before being adopted. Relevant experiences include the loss or disruption of their connection to birth parents, maltreatment by parents or caregivers, and multiple placements from foster care. The result is often an 'insecure pattern of attachment,' as it is called in the psychological literature. This condition affects not only one's ability to form attachments with others, but also

The ***following benefits*** are available to parents who qualify for EI:

- ***maternity benefits*** (15 weeks) for biological mothers;
- standard (35-40 weeks) or extended (61-69 weeks) ***parental benefits*** for parents of a child or children who was/were born to them or placed with them 'for the purpose of adoption.'

To qualify for parental benefits, one need not have adopted the child at the time of placement, nor must the child be legally adoptable at that time. Other scenarios are possible, including the following: one attests to the fact that the placement is permanent and that one intends to adopt the child 'at the earliest opportunity,' or that one has been granted permanent legal custody of the child for whom adoption is deemed to be contrary to their best interests (Government of Canada, '**13.1.2 Who can receive parental benefits**,' Digest of Benefit Entitlement Principles Chapter 13 – Section 1).

> *"Having parented three children by birth it was clear to us that the time necessary to bond and learn about a child who came to us as a toddler through adoption was an entirely different and more challenging experience. The losses that our child faced early in life and even as she transitioned into our home were significant. We needed to be available for her full time to give her the security and stability she needed to feel safe in her new home. That is nothing we ever had to experience with our children who came to us by birth."*
>
> — SURVEY PARTICIPANT

5 This federal system provides benefits for people in all provinces and territories except for Québec, which has its own system of benefits. When we refer to Canada's system, we are referring to the federal schedule of benefits. The problem we identify with it applies equally well to the system in Québec, however; see the ***Quebec Parental Insurance Plan***.

one's overall social, emotional, and cognitive development.

Despite these difficulties, adoption has been shown to be effective in helping children develop more healthy patterns of attachment. This outcome takes time, however, as well as patience and commitment on the part of adoptive parents. It is particularly important that adoptive parents have time at the beginning of an adoption placement to help their child grieve the loss of previous attachments or minimize it through openness to kin, where appropriate. At the same time, they need the child to start attaching to *them* as their parent, which in turn will help them bond to the child.

Attachment is therefore a challenge with most adoptions, which makes adoption unique compared to biological parenthood. There are, of course, other special challenges that can arise in the context of an adoption. An example is caring for a child with physical or mental health needs, since adopted children are overrepresented among children with these needs (Zdzinsky and Pinderhughes 2005). Compared to these cases, however, the problem of having one's child attach to you as their parent is more widespread among adoptive parents. It is also important that parents see some progress in overcoming this problem in the early stages of an adoption. Otherwise, they can become seriously disheartened and can even give up on the adoption, which may be the worst possible outcome for the child.

In short, adoption is *not* parenting minus pregnancy and birth. Instead, it involves providing love and security to a child who once had these things but lost them or who may have never had them before. The Canadian government needs to recognize this fact and also value adoption. It therefore should create a whole new category of benefits: *attachment benefits* for adoptive parents, which would allow for much needed time to attach for adopted children.

The details we recommend for attachment benefits are as follows:

- **In terms of the benefit rate and number of weeks one can receive them, attachment benefits should (at the very least) be equal to maternity benefits, and thus available at a rate of 55% of average weekly insurable earnings and for 15 weeks.**
- **Like maternity benefits, they should be available as early as 12 weeks before the expected date of arrival of the child and as late as 17 weeks after that date (i.e., because the transition toward or preparation for bringing a child into one's home after being matched with them can take place over a number of weeks, or even months).**
- **Where there are two parents (or caregivers), rather than a single parent, either one should be eligible for attachment benefits.**
- **These benefits should be offered in addition to 'parental benefits.'**[6]

> *"When researching about the benefits that would be provided as a new parent of an adopted sibling group, I was shocked that we were not provided equal benefits to parents of biological children.... [T]he maternity weeks given to a birth mother for recovery and bonding should also be given to a newly adopted mother for attachment and bonding. Just because the process is different, doesn't mean it is any less important."*
>
> — SURVEY PARTICIPANT

6 Adoptive parents would then be eligible for one year of (standard) leave. Such a recommendation is not new; there are others who have said something similar, including Berry Brazelton and Stanley Greenspan (2000), the Expert Panel on Infertility and Adoption (2009), and Patricia Paul-Carson (2011). There was also a private member's bill, Bill C-413, that proposed, among other things, to amend the *Employment Insurance Act* and the *Canada Labour Code* to give adoptive parents equal parental benefits as biological parents. This bill died on the Order Paper. See ***Bill C-413, An Act to amend the Employment Insurance Act and the Canada Labour Code (extension of benefit period for adoptive parents***), 3rd Session, 40th Parliament (Perez-Leclerc 2018).

> *I am looking to adopt older children (ages 2-6), [and] there will be many weeks of 'transition' where we will work with the foster family and social workers to gradually ease my children into my home. If my children are not local to me, I will quite likely need to travel to be with my children during this transition phase. I am NOT eligible to start my parental leave until AFTER the transition period has completed, even though this transition period is critical for a successful placement. I will have to take an unpaid leave from work for this period. Being able to start the leave during the transition process [is] a further recommendation [I would make]' (from an awaiting parent).*
>
> — SURVEY PARTICIPANT

We offer three central reasons in favour of attachment benefits specifically, and for greater time to attach more generally:

- ***Adopted children need time to attach (Section 2)***
- ***Legal and international standards support time to attach (Section 3)***
- ***Adoptive parents want time to attach (Section 4)***

Our main argument, summarized above, appears in Section 2. In Section 3, we explain how Canada's current system of parental leave benefits is discriminatory toward adoptive parents, fails to uphold children's rights, and is unusual, compared to systems in other countries, in not offering equal benefits to adoptive parents. Section 4 summarizes quantitative data from a survey we conducted of 974 parents and caregivers from across Canada, the results of which were overwhelmingly positive in favour of attachment benefits. The survey also provided us with qualitative data—statements by parents and caregivers, including awaiting parents (i.e., people who have been approved for an adoption that they are waiting for), about their experiences with Canada's parental benefits system. We will analyze this material at a later date,[7] but have included some of it in textboxes throughout this document.[8]

There are two further sections to our report. A fourth one estimates what it would cost the government to introduce attachment benefits, which is between $12-20,000,000, depending on the numbers used. (Determining which numbers *to* use is difficult because of the lack of accurate reporting about adoptions in Canada; hence, we provide a range for the projected cost that is quite wide.) A final section explains how and why implementing these benefits would require legislative change.

In summary, our report demonstrates, using different kinds of argument and data, that greater time to attach is needed for adopted children in Canada. The well-being of these children, and justice for them and their families, require that the government increase the amount of paid leave available to their parents.

7 At the same time, we will analyze data gathered from interviews we conducted with key informants: leaders of adoption organizations from across Canada.

8 More specifically, we have chosen statements that fit with certain content in the report and have put the statements beside that content.

2. Adopted Children Need Time to Attach

As shown in this section, the literature in psychology and elsewhere on attachment and adoption show that adopted children need greater time than they are currently provided in Canada to attach to their new parents. This conclusion helps to explain some of the further reasons we offer in favour of this time: namely, why legal and international standards support it and why adoptive parents want and need it (as shown by our survey).

Included in this section are overviews of attachment theory in psychology, the challenges with adoption that concern attachment, and the ability of adoptive parents to meet those challenges. The upshot of this discussion is that the federal government should provide more time to attach because attachment is crucial yet difficult for adopted children, generally speaking.

A. Attachment

Children 'attach' to their parents (or caregivers), whereas parents 'bond' with their children. We use this terminology throughout. Children who have securely attached to their parents are drawn to them for safety and protection when they, the children, feel unsafe or anxious (Farnfield and Holmes 2014), while parents who have bonded to their children have developed positive, protective feelings towards them. Both attachment and bonding are important to the health of the parent-child relationship and for child development. We focus mainly on attachment, rather than bonding for one important reason: children who are in care have a right to attach or be loved by someone as their parent (or parent figure), whereas prospective parents of these children do not have a right to bond with them through becoming their parent. Becoming the parent of these children is more of a privilege than a right. We discuss the rights of children in Section 3.

> *"Attachment is everything! Time and space to become a family, to bond, to go through our own emotional and mental challenges and adjustments and be the best support we can be as our children go through the same."*
>
> — SURVEY PARTICIPANT

Attachment theory was developed by John Bowlby (1907-1990) and expanded upon by Mary Ainsworth (1913-1999). For Bowlby, attachment—a means to ensure that children are protected—is facilitated by both a) the child's innate ability to signal their needs, through behaviours such as crying, which can draw and maintain their caregiver's attention; and b) the caregiver's response to these signals (Bowlby 1958; 1969; WHO 2004). For her part, Ainsworth explained that the quality of the caregiver's response tends to shape whether the child's attachment falls on a spectrum of being secure or insecure (WHO 2004). She conducted (on 1- to 2-year-olds) what she called the 'Strange Situation' test, which involves controlled separations and reunions of a

child with their caregiver (WHO 2004; Ainsworth and Bell 1970). This research determined that a child's attachment is secure versus insecure, roughly, if the child will use their caregiver as a secure base from which to explore the world and play in it, rather than be reluctant to leave their caregiver or be overly focused on their presence while playing (or trying to do so). A child with a secure attachment pattern can also be separated from their caregiver without feeling either extreme distress or indifference, and will respond positively when their caregiver returns as opposed to feeling angry or anxious, or without avoiding their caregiver altogether (WHO 2004).[9]

The quality of children's attachment is predictive of their social competence and overall health. Children with secure attachment styles are often more autonomous or less dependent on their caregivers, are better able to regulate negative emotions and to form close relationships with peers, and are less prone to having behavioural problems in general (WHO 2009; van den Dries et al 2009). By contrast, children with insecure attachments have a higher incidence of behavioural problems, difficulties interacting with others, reduced problem-solving abilities, lower self-esteem, and a heightened risk of psychopathology (WHO 2004; van den Dries et al 2009). In short, secure attachment is vital to children's healthy development (Mennen and O'Keefe 2005; WHO 2004; Brazelton and Greenspan 2000). Without it, they can, and often do, experience serious developmental dysfunction or delay (van Ijzendoorn and Juffer 2006).

B. Attachment Among Adopted Children

In general, how easily adopted children will attach to their new parents depends on the age at which they are adopted and on their experiences with previous caregivers, among other factors. Children who are adopted at less than six months of age undergo a similar process of attachment as children of the same age who are raised by their biological parents (Juffer and Rosenboom 1997; van den Dries et al 2009; Pace et al 2015). By contrast, attachment is more complex and difficult for children who are adopted after six months of age—a fact which is significant given that the vast majority of children awaiting adoption in Canada are age 6 or older.[10] For these children (or

> *"For my family, the 9 months wasn't enough to solidify our attachment. As soon as I returned to work, our son began to display negative behaviours since the routine and familiarity ended too soon. We experienced very difficult times following my return to work."*
>
> — SURVEY PARTICIPANT

9 Ainsworth identified four types ('patterns' or 'styles') of attachment: 1) secure, 2) insecure-ambivalent/anxious, 3) insecure-avoidant, and 4) disorganized/disoriented. The last is the most insecure type of attachment (van den Dries et al 2009). The second describes the child who cannot be separated from their caregiver without experiencing extreme distress, while the third describes the child who is much less likely to care about such a separation. The child with insecure-avoidant attachment also may be friendlier to strangers than they are to their own caregiver (WHO 2004).

10 Cathy Murphy, Executive Director, ACC, personal communication. Also, see Patel (2017) and the Adoption Council of Ontario (2011).

> *'It is important [to have more time] because there [are many] emotional transitions and changes … it's important to take time to bond and attach with a child that is placed in your home going through massive grief and loss, anger and sadness, confusion. You as the kin parent are also adjusting your life and having to re-adjust your family routines, layout of the home and plans for the future.'*
>
> — SURVEY PARTICIPANT

youth), the attachment process is a product ultimately of their past experiences with caregivers, as well as of their current environment (Pace et al 2015; van den Dries et al 2009).

The previous experiences of adopted children can vary significantly (Dozier and Rutter 2016). At one extreme are children who have suffered intense abuse or neglect, had no consistent primary caregiver, or had minimal attention given to them by anyone. At the other extreme are children who had loving and consistent caregivers who were simply unable to continue caring for them (e.g., due to death or imprisonment). For the vast majority of adopted children, their previous history falls in between these extremes, but nevertheless includes experiences of abuse, neglect, or other childhood trauma. These experiences themselves are predictive of insecure attachment patterns (Felitti et al 1998; Raby and Dozier 2018).[11] In general, adopted children have more insecure attachment patterns than their peers who were raised since birth by their biological parents (van den Dries et al 2009; van Ijzendoorn and Juffer 2006; Lionetti et al 2015). That is especially true of children who were placed for adoption at a relatively late age (Pace and Zavattini 2011).

Insecure attachment patterns translate into behaviours that render attachment as well as bonding difficult. Adoptees who come from dangerous environments, for instance, may view their new adoptive family as unsafe and may therefore resort to a variety of problematic behaviours, or 'survival techniques,' in an effort to cope with feelings of insecurity: the child may withdraw from forming relationships with their adoptive parents because they believe it is unsafe to interact with adults; they may become aggressive as a defense against physical harms they have previously experienced; they may continually test their adoptive parents in an effort to determine whether they really care for them, or whether they will leave them; they may display inappropriate sexual behaviour, perhaps because this was how they received attention from adults in the past; or they may be excessively

11 Such experiences have a profound impact not only on children's attachment, but also on their health and well-being later in life, as shown by the landmark ACES (Adverse Childhood Experiences) study (Felitti et al 1998; see also Raby and Dozier 2018). Note, in addition, that there are higher incidences of PTSD symptoms among adopted children, which suggests that many of them have experienced trauma, either in their past or from their sudden transition to living in an entirely new situation (Hoksbergen and van Dijkum 2001, 18-20).

self-reliant, rejecting their new parents' attempts to nurture them, because they had to learn how to take care of themselves in neglectful environments (Brodzinsky and Pinderhughes 2005, 296).

In summary, attachment patterns tend to be more insecure among children who were adopted compared to those who were raised by their biological parents. This finding is understandable given that experiences which often result in insecure attachment are more common among adopted children. Such patterns make attaching to new parents (or people in general) a serious challenge for these children.

> *"With our girls having had so many care-givers and moves prior to us, it was very important to be able to take as much time as possible to build healthy attachment in our family."*
>
> — SURVEY PARTICIPANT

C. *Adoption as a Healing and Recovery Mechanism*

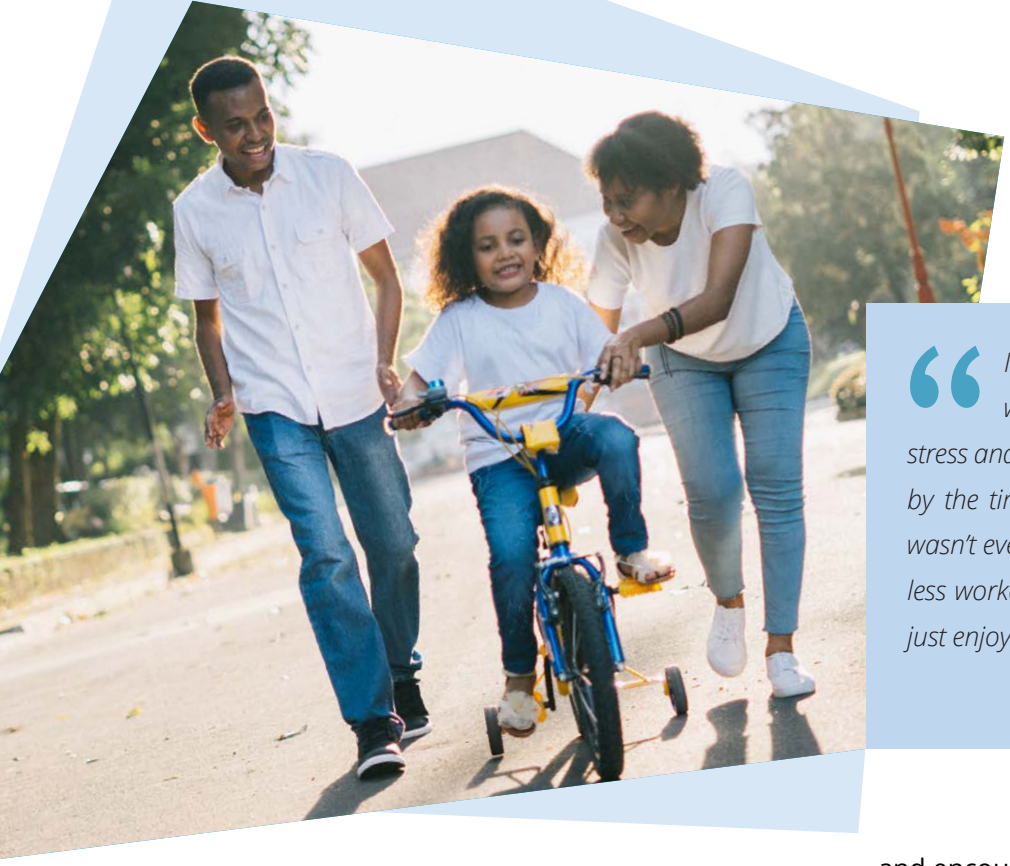
Adoption has been shown to promote healing and recovery for children who have developed insecure attachment patterns and/or have experienced adversity early on in their lives (Raby and Dozier 2018, 83; van Ijzendoorn and Juffer 2006).[12] Still, as we have explained, the transition of these children to their new homes is usually a difficult process and their attachment to their new parents takes time to develop. Professional help is often the solution, particularly for children who suffer from serious attachment insecurity and symptoms of trauma. Adoptive parents have to arrange these services, however. Given these facts, the federal government

should support adoptive parents more by offering them attachment benefits and with that, a full year of paid leave.

Evidence in favour of such a leave comes from studies that reveal significant progress with attachment and recovery in the first year of an adoption. One study examined the attachment styles of 48 adopted and previously institutionalized children (ages 3-5 years), one and two years following their adoption (Barone et al 2017). One year post-adoption, the rates of insecure attachment patterns among these children were still higher than normal, but they were lower in comparison to their peers who remained in the care of state institutions. This finding suggests that these children had experienced some increase in attachment

> *"We had a difficult time with attachment and I believe that extra time [15 weeks] would have possibly been just what we needed to bond and attach properly. Instead I was stuck having to send [my son] off to daycare and feel like any bond I was creating with him was weakened from the time apart throughout the week."*
>
> — SURVEY PARTICIPANT

12 To put the point more strongly, according to van Ijzendoorn and Juffer (2006), adoption allows for massive catch-up for children whose development has been delayed because of early adversity, a fact which 'demonstrates the plasticity of child development' (1240).



> *My leave was [so] full of appointments with workers, therapy, visits with birth family, court stress and trying to figure this new parenting thing that by the time I had to go back to work, our adoption wasn't even finalized yet. Once there were no visits and less worker involvement and time to actually just enjoy my children, I was back at work.'*
>
> — SURVEY PARTICIPANT

security (Barone et al 2017). Another study, one that examined the attachment patterns of 20 late-adopted children (aged 4-7) two- and eight-months post-adoption, found a significant enhancement in the children's attachment security (Pace and Zavattini 2010). Such data shows that significant recovery from attachment insecurity is possible within the first year of an adoption.

Adoption can be a healing and recovery mechanism even for children who have experienced serious trauma and whose attachment security is very low (van Ijzendoorn and Juffer 2006). In these cases, adoptive parents need assistance from mental health professionals (Cassidy and Mohr 2001; Walker 2008). Arranging for proper therapy for one's child can take a substantial amount of time—time that is necessarily borrowed from focusing on one's child and encouraging attachment. This point, in addition to those made above, speak in favour of adoptive parents having greater parental leave.

> *Children can only heal through healthy relationships. [W]hen we are not giving adoptive parents enough time to work on attachment, undistracted by work, we are ultimately risking the healing and progress of the adoptive child.*
>
> — SURVEY PARTICIPANT

To summarize Section 2, the psychological literature reveals that the additional leave we are recommending for adoptive parents in Canada would help to promote their children's attachment and recovery from attachment insecurity and related problems such as trauma. That is true because of how successful adoption can be as an intervention for children who have experienced serious adversity, and what wonderful strides adoptive parents can make even after only one year with their children. The additional leave is important for this reason and also because it would acknowledge something that the psychological literature makes clear: that attachment poses a unique challenge for adopted children and their parents.

3. Legal and International Standards Support Time to Attach

The previous section argues in favour of greater time to attach based ultimately on children's well-being. The well-being of adopted children lies in them attaching to their new parents, and this fact supports attachment benefits for adoptive parents. One could also argue in favour of these benefits based on rights rather than well-being, however. More specifically, one could point to the right of non-normative families against discrimination and to certain rights that children have as children. In this section, we discuss legal standards against discrimination and international standards about children's rights that support greater time to attach. We also refer to countries where there is more respect for these rights than there is in Canada because of the differences between their parental benefits systems and ours.

A. Discrimination in the Parental Leave Benefits System

Legal standards about discrimination, both in Canada and elsewhere, reveal that the current benefits system in Canada is discriminatory against adoptive families, because it does not recognize and serve their unique needs. Canadian courts have previously ruled that the opposite is true: the system does not discriminate against adoptive families (see *Schafer v. Canada, 1997*; *Tomasson v. Attorney General of Canada, 2007*). We argue that this position is legally problematic.

To illustrate how Canadian courts have dealt with this matter, consider the most recent case, which involves adoptive mother, Patti Tomasson. The Canada Employment Insurance Commission denied her application for 15 weeks of *maternity* benefits. Feeling that this decision amounted to discrimination, Tomasson appealed it to the Federal Court of Appeal. Her lawyers argued that the *Employment Insurance Act* treats biological and adoptive parents unequally, and consequently, unfairly. The court responded by saying that this inequality in the amount of paid leave one is eligible for is justified because biological mothers require the additional leave 'to cope with the physiological changes that occur during childbearing' (*Tomasson v Attorney General of Canada*, *2007*). The Supreme Court of Canada subsequently upheld the Federal Court of Appeal's decision.

To be clear, we agree with the courts that biological mothers require additional leave because of the demands of pregnancy and birth. Also, because adoptive mothers do not experience these challenges, they should not qualify for maternity benefits; we disagree with Tomasson and others (see White 2018) on this point. But at the same time,

> *"It is a gross inequity that adoptive parents are not given the same benefits as biological parents. The argument of recovery from birth as a reason for treating biological mothers versus adoptive mothers as 'separate but equal' masks a misguided, underlying belief that families built through adoption are less deserving of support"*
>
> — SURVEY PARTICIPANT

we insist that there is discrimination in Canada's parental leave benefits system. Let us explain.

According to Sophia Moreau, Canada's leading legal expert on discrimination, to discriminate against someone is to set back their interest in living the life of their choosing, free of constraints imposed by irrelevant features of their identity (2010).[13] These irrelevant features may include, among others, the person's race, gender, sexual orientation, gender identity, dis/ability status, or family status. Importantly for our purposes, family status is a legally recognized ground for discrimination in Canada (CHRC 2013); basically, one can discriminate against people in a legally prohibited way because of the kind of family they have.

> *A child is a child; it is no different whether [you carry] this child for 9 months and physically [give] birth. He is my child equally and as much as my biological child. I was insulted by the fact that that was not recognized.*
>
> — SURVEY PARTICIPANT

Through its parental benefits system, the federal government does discriminate against adoptive families: against both the parents and the children in these families. It sets back the interest they have in living a life as part of a family in which the children reach their full potential and their family is treated equally to other families. The parental benefits system constrains them in their ability to lead such a life—it sets this interest back—for two main reasons: 1) it provides the children with inadequate time to attach (see Section 2) and

> *... to be treated unfairly because we did not give birth or did not have to recover? Please. What about the mental health recovery after an adoption? The scars may stay after a c-section but ... so do the mental scars [after an adoption].*
>
> — SURVEY PARTICIPANT

so makes it harder for them and their parents to satisfy their shared interest in the children thriving within their new family; and 2) it ignores their unique needs, while acknowledging the unique needs of biological families, which concern the health needs of biological mothers. This second point reveals that the system treats adoptive families unequally, as though they are second best to biological families. In sending this message, the government compromises the interest these families have in equality. As well, it imposes these constraints on them *because* of the nature of their family: that is, because of their family status. The system therefore discriminates against them, according to Moreau's definition of discrimination.

13 To discriminate against someone is therefore to harm them, where a harm is a set-back to an interest (Feinberg 1984).

In sum, the failure of the federal government to respond to, and consider equally, the unique challenges that adoptive families face *is* discriminatory. It violates the rights of adoptive parents and their children against discrimination based on family status. Rectifying this problem is a crucial step toward creating a system that is fair for all families, regardless of how they are formed.

B. Rights of children as children

In addition to being discriminatory towards adoptive families, the current parental benefits system in Canada fails to uphold the rights that children have as children. Rights of this sort are outlined in the *UN Convention of the Rights of the Child* and appear in the work of academic philosophers who are experts on children's rights.

The UN Convention declares that because of the vulnerability that is unique to childhood, children have unique entitlements or rights (OHCHR 1990). For example, under Article 6 of the Convention, children have a right that their governments 'ensure to the maximum extent possible' (OHCHR 1990) that they 'survive and develop in a healthy way' (Government of Canada 2017). They also have a right, under Article 3, that their best interests be taken as 'a primary concern in decisions that may affect them,' including 'decisions related to budgets, policy, and law' (Government of Canada 2017).

> *"It is incredibly important for not just the federal government but society in general to recognize all parents.... My daughter is my daughter. She is not my 'adopted' daughter. I am her mother. I am not her 'adoptive' mother. There is still much that needs to change. When I complained about my lack of benefits ..., I was told (by a male Service Canada employee) that, 'Well, I guess if you go through the pain of child birth, you deserve more.' That was not appreciated, I can tell you."*
>
> — SURVEY PARTICIPANT

> *"My husband and I also have biological children and we feel that we needed more time to spend with our adopted daughter as her needs were greater in terms of adjustment and attachment. I took extra time off work and relied on my savings to be able to pay for everyday expenses."*
>
> — SURVEY PARTICIPANT

As a signatory of the UN Convention, Canada needs to change its parental leave benefits system so that it respects the rights of children laid out in this document. For example, in order to uphold Article 6 and ensure that children develop in a healthy way, the government should give adopted children more time to attach to their new parents. As discussed in Section 2, it is crucial that adopted children have substantial time with their parents when they are

first placed for adoption. For it is during this stage that the parent and child begin building the trust that forms the foundation of the child's secure attachment to the parent. Without this sort of connection to their parents (or to anyone), the child's healthy development will be seriously hampered. Article 6 therefore encourages the introduction of attachment benefits for adoptive families. Support for these benefits also lies within Article 3, which requires that in making 'decisions related to budgets, policy, and law' that affect adopted children, the government take as 'a primary concern' their best interests, which include their interest in attachment security (Government of Canada 2017). Concern for this interest specifically demands that the government add to its annual budget the cost of attachment benefits for adoptive parents (see Section 5) and that it amends relevant law or policy to allow for these benefits (see Section 6).

Rights that are unique to children and that support greater time to attach for adopted children can also be found in work of internationally renowned experts on children's rights. For example, in his recent book, *The Right to Be Loved* (2015), Prof. Matthew Liao (New York University) argues that children have the right to be loved, because love is essential to their healthy development. Prof. Samantha Brennan (Guelph University) similarly insists that children have the right that their interests, as children, be protected, and moreover that these interests include those that concern their healthy development (Brennan 2002; see also Brennan 2015). Given the relationship between the phenomenon of attachment and children's healthy development (see Section 2), it is clear that respect for children's rights, as understood by these philosophers, involves providing children with the opportunity to form secure attachments. For adopted children specifically, it involves ensuring that their parents receive attachment benefits.

Thus, according to both the *UN Convention on the Rights of the Child* and prominent philosophical theories about children's rights, greater time to attach for adopted children in Canada is crucial. By giving adoptive families this time, the Canadian

> *"By the time I went back to work (after only 9 months), my child was just beginning to attach to me and beginning to understand what a mother is. [Going back so soon] hurt my child's emotional development and attachment."*
>
> — SURVEY PARTICIPANT

government would be honouring its commitment to the UN Convention specifically, and to children's rights more generally.

C. *International Comparisons*

Lastly, we can assess Canada's parental leave benefits system based on the standards other countries have adopted for the parental leave of their citizens. Canada's system does not measure up to the standards of many other countries, both in terms of whether there is equality with biological parents and how good the benefits are for adoptive parents. On the issue of equality, a recent review undertaken on behalf of the **International Network on Leave Policies and Research** (INLPR) states that '[i]n most countries, *adoptive parents* have similar leave entitlements to other parents' (Blum et al 2018, 25; their emphasis). Our own (admittedly limited) research into these policies confirmed that Canada is an outlier in not offering the same or very similar entitlements to adoptive parents as it does for biological parents. Figure 1 (next page) provides some of our findings; it shows how Canada's system fares compared to models of legislation from comparator countries or those we deem to be exemplary.

Some background on or related to Figure 1 is in order. First, the differences between parental leave benefits systems in different countries can be intricate and subtle. Nevertheless, making broad comparisons between these systems is possible, and the comparisons we make are indeed broad.[14] Second, in reading the chart, one should presume, unless stated otherwise, that the following are true: the benefits can only be taken by one parent at a time; for adoptive parents, they can only start at the time of placement; and the benefits are a percentage, roughly, of the parents' previous earnings.[15] Third, the focus is on *paid* leave rather than unpaid leave; entitlements to unpaid leave have mostly been omitted.

14 We leave out information that would allow for more detailed comparisons, such as information about the ceilings on (i.e., maximum dollar amount of) the benefits parents can receive.

15 In terms of what earnings are relevant, different policies refer to different things: 'average insurable weekly earnings,' 'monthly salary,' 'average monthly salary,' just 'previous earnings,' etc. We have omitted these details.

FIGURE 1
Country Comparisons

Country	Benefits for biological parents	Benefits for adoptive parents	Additional entitlements for adoptive parents
Canada (Doucet et al 2018)	15 weeks @ 55% up to a ceiling[16] ('maternity benefits') AND 35 weeks @ 55% or 61 weeks at 33% up to a ceiling ('standard or extended parental benefits') An additional 5 weeks of standard parental benefits or 8 weeks of extended parental benefits if partners share these benefits ('**parental sharing benefit**')	35 weeks @ 55% or 61 weeks at 35% up to a ceiling ('standard or extended parental benefits') An additional 5 weeks of standard parental benefits or 8 weeks of extended parental benefits if partners share these benefits ('parental sharing benefit')	
Australia (Whitehouse et al 2018)	18 weeks @ national minimum wage ('parental leave') 'Dads and partners' receive 2 weeks paid leave @ national minimum wage	18 weeks @ national minimum wage ('parental leave') 'Dads and partners' receive 2 weeks paid leave @ national minimum wage	2 days unpaid pre-adoption (or pre-birth) leave to attend relevant interviews or examinations
Denmark (Bloksgaard and Rostgaard 2018)	4 weeks prior to birth @ 100% up to a ceiling ('pregnancy leave') AND 14 weeks right after birth @ 100% up to a ceiling ('maternity leave') AND 32 weeks @ 100% up to a ceiling ('parental leave') 2 weeks paid paternity leave	1 or 4 weeks prior to placement @ 100% up to a ceiling (no name) AND 14 weeks right after placement @ 100% up to ceiling ('adoption leave') AND 32 weeks @ 100% up to a ceiling ('parental leave') 2 weeks paid paternity leave 2 of the weeks of paid leave 'must be taken by both parents together' (Bloksgaard and Rostgaard 2018, 138)	For the 'no name' leave, it's 1 week if the child is from Denmark, and 4 weeks if the child is from abroad. The 1 week can be extended by an extra week, and the 4 weeks by an extra 4, because of any complications with the adoption. (Taking more paid leave as a biological parent, before or after birth because of health complications, is also possible.)
Germany (Reimer et al 2018)	14 weeks @ 100% ('maternity leave') AND for *each* parent,[17] 12 months (+2 months if both parents take at least 2 months) @ 65% up to a ceiling ('parental leave,' full-time) AND/OR[18] For each parent, 22-24 months (+ 4 months if both parents take at least 4 months) @ 65% of lost earnings from working part-time, 25-30 hours/week ('parental leave,' part-time)	For each parent, 12 months (+2 months if both parents take at least 2 months) @ 65% up to a ceiling ('parental leave,' full-time) AND/OR For each parent, 22-24 months (+ 4 months if both parents take at least 4 months) @ 65% of lost earnings from working part-time, 25-30 hours/week ('parental leave,' part-time)	
New Zealand (McDonald and Morrissey 2018)[19]	22 weeks @ 100% up to a ceiling ('primary carer leave')	If the child is under 6 years old: 22 weeks @ 100% up to a ceiling ('primary carer leave')	Primary carer leave can start up to six weeks before the arrival of the child.

16 'Up to a ceiling' means that the applicant will get the percentage on earnings or the ceiling, whichever is lower.

17 'Parental leave entitlements are individual entitlements and both parents can receive their parental leave benefits at the same time' (Reimer et al 2018, 179).

18 Parents can choose between the two types of parental leave or combine them (Reimer et al 2018, 180).

19 Primary carer leave is available for 'adoption, or home for life, or whangai' (but not for foster care or other temporary care). Paid leave will be extended for everyone to 26 weeks by 2020 (RNZ 2017).

FIGURE 1

Country comparisons (continued)

Country	Benefits for biological parents	Benefits for adoptive parents	Additional entitlements for adoptive parents
Sweden (Duvander and Haas 2018)	For *each* parent, 240 days for one child (for a total of 69 weeks between the two parents) @ 80% for the first 195 days, and compensation for remaining 45 days set at $20 USD/day ('parental leave') AND 10 days of paid leave for the 'non-pregnant parent' at the time of birth	For *each* parent, 240 days for one child (for a total of 69 weeks between the two parents) @ 80% for the first 195 days, and compensation for remaining 45 days set at $20 USD/day ('parental leave') AND 10 days of paid leave (5 days per parent or 10 days for a single parent) "upon adoption of [a] child" under age 10	People who adopt two or more children simultaneously get an additional 180 days of paid leave per child (under age 12). (Biological parents who experience a multiple birth are eligible for the same.)
UK (O'Brien and Koslowski 2018)	39 weeks @ 90% for the first 6 weeks and then 90% up to a ceiling for the remainder ('**statutory maternity pay**') AND 1 or 2 weeks @ 90% up to a ceiling for partners ('paternity leave') OR[20] 2 weeks @ 90% (statutory maternity pay) AND 37 weeks @ 90% up to a ceiling ('**statutory shared parental pay**')	39 weeks @ 90% for the first 6 weeks and then 90% up to a ceiling for the remainder ('**statutory adoption pay**') AND 1 or 2 weeks @ 90% up to a ceiling for partners ('paternity leave') OR 2 weeks @ 90% (statutory adoption pay) AND 37 weeks @ 90% up to a ceiling ('**statutory shared parental pay**')	Paid leave off work for 5 adoption appointments after being matched with a child (not to be taken in conjunction with 'paternity leave') 'Adoption leave' can start up to 14 days before the expected date of placement for domestic adoptions, or within 28 days of the expected date of the arrival of the child in UK for international adoptions

20 To get clearer on how this system works, consider that '[m]others must still take the initial two weeks after birth, but they can then cut their maternity leave short and exchange it for shared parental leave. Both parents will then have a flexible choice of how to split up the rest of the leave entitlement—of up to 50 weeks. For example, if a mother ends her maternity leave after the 12 weeks following the child's birth, that leaves 40 weeks of leave. She chooses to take 30 weeks and so her partner can take the other 10 weeks. Alternatively, the couple may choose to take 20 weeks of leave at the same time or at different times' (Peachey 2015).

Canada fares worse than many of the countries listed above in terms of how adoptive parents are treated within its parental benefits system. For instance, unlike Australia, Denmark, New Zealand, Sweden, and the UK, Canada does not provide *equal* benefits to adoptive and biological parents. In addition, Sweden, Denmark, and Germany provide greater benefits overall to adoptive parents relative to the benefits offered to these parents in Canada. Australia and the UK offer time off for appointments related to the process of finalizing an adoption, while other countries allow adoptive parents to start their paid leave before the expected date of placement of the child. These measures and comparisons reveal that Canada's parental benefits system is worse than those of other countries in terms of whether it discriminates against adoptive parents or recognizes the unique challenges that these parents face when forming their families.

We recommend that like most of the other countries listed in Figure 1, Canada provide equal leave benefits to adoptive and biological parents; however, we do not believe that like New Zealand and Sweden (and other countries, such as **Iceland**), Canada should offer these benefits only to parents who adopt a child of a certain age or younger. Our reasons here are twofold: adopted children at all ages can benefit from substantial time to attach; and parents can give this time even to school-age children (e.g., by seeing them right before and after school as well as at lunch-time or by home schooling them, and by volunteering in their school).

In summary, international standards that concern discrimination, children's rights, and parental leave strongly suggest that Canada's parental leave benefits system needs to change. The system is discriminatory, it violates children's rights, and it is unusual in not providing equal leave benefits to adoptive and biological parents. Canada must do better at recognizing, and enabling adoptive parents to meet, the unique challenges that accompany an adoption. It should introduce additional benefits for these families.

> *"I do think there is a stigma to adoptive parents receiving leave benefits when adopting older children. Many people do not understand the attachment aspect. They figure these children are in school so parents can work while they go to school. [But] these moments when kids are in school give adoptive parents time to volunteer at the schools, attend appointments, and … learn to adjust to their new reality which can be chaotic when adopting older children."*
>
> — SURVEY PARTICIPANT

4. Adoptive Parents Want Time to Attach

Greater time to attach is important not only because adopted children need and are owed this time, but also because adoptive parents in Canada want it for their children. Listening to the voices of these parents is crucial, because of the experience they have with transitioning an adopted child into their home. From May to June 2018, we conducted an on-line survey of adoptive parents, as well as awaiting parents. The survey took into consideration how the participants self-identified—as adoptive parents, awaiting parents, kin caregivers, and/or customary caregivers—rather than defining them in terms of their legal status. For this reason, we will use terms of identity rather than law when referring to study participants.[21]

The goal of the study was to investigate whether, from the perspectives and experiences of these various parents and caregivers, the Government should increase the EI benefits available to them, and do so particularly, though not exclusively, for the purpose of promoting healthy attachments.

A total of 974 parents and caregivers completed the survey. The majority of participants identified solely as an adoptive parent (n=638, 65.5%) or an awaiting parent (n=187 or 19%). Only 7 participants identified solely as a customary caregiver (<1%), and 59 individuals identified solely as a kin caregiver (6%). The remaining participants (n=83, 8.5%) identified as having multiple 'parental and caregiving roles'; for example, 46 individuals in the sample described themselves as both an awaiting and an adoptive parent.

The majority of the participants were from Ontario (64%), British Columbia (13%) and Alberta (11%); yet there was at least one participant from each of the Canadian provinces and territories, with the exception of Québec[22] and the Yukon. The survey participants were more likely to be partnered (83%) than single (17%), and most of them identified as female (90%). (For more information about the survey, see Appendix A.)

All participants were asked about whether they support an attachment leave and whether, had such a leave been available to them, they would have taken it. They were also questioned about their experiences with the current benefit system, about the impact of this system on their children, and about their child(ren)'s needs, characteristics, and health challenges. Each question was asked separately of each different type of parent or caregiver.

> *"Allowing the family time to adjust to the new family dynamics, kin children and families deal with loss issues, grieving, and adjustments.... It is exhausting realizing you are back to raising children or raising children with such issues as loss, grief, and developmental delays as a result of their early experiences."*
>
> — SURVEY PARTICIPANT

21 We also asked participants whether they had (or will have, in the case of awaiting parents) one child or multiple children placed with them. Hence, we will refer to their 'child(ren)' rather than simply their child (which is a departure from the sort of language we use in the rest of the report; see note 2).

22 We did not invite people from Québec to complete the survey, because, as noted above, Québec's parental benefits system differs from the one in place throughout the rest of Canada.

RESEARCH QUESTIONS AND ANSWERS

Is there support for an attachment leave?

This is the key question for our survey, and the answer is a resounding 'yes'. Figure 2 presents the percentage distribution of the participants who agreed that parents or caregivers would benefit from being able to take a 15-week attachment leave as part of their EI benefits package.

Figure 2. Percentage of participants who either support, are neutral, or who do not support the addition of an attachment leave.

Almost everyone (94%) agreed that the creation of such a leave would be beneficial to both parents or caregivers, and children. Clearly, the support for it from within our sample was strong.

But would the parents and caregivers we surveyed have taken an attachment leave, had one been offered to them? Again, the answer is a resounding 'yes.' As shown in Figure 3, the percentage of participants who gave this answer was 88.

FIGURE 2

Support for an Attachment Leave

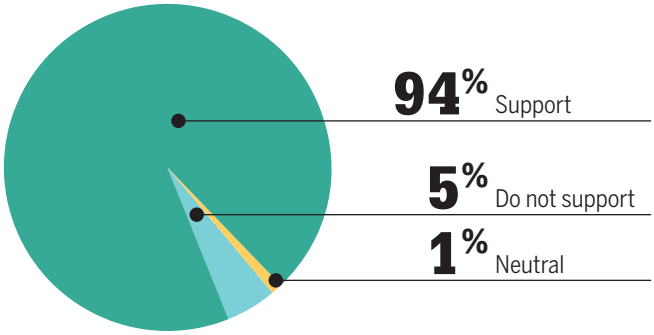


FIGURE 3

Are there costs to not having attachment benefits?

i. Not enough time

Over three quarters of survey participants agreed that, with at least one of their children, the current system did not provide them with the time needed to adjust to parenting. Similarly, almost three quarters (72%) felt that the system did not provide enough time for at least one of their children to adjust to their new family and form attachments. It is clear from these data that parents and caregivers want and need more time for their children to attach to them and for them to bond with their children.

ii. Barriers to adopting a sibling or a child with complex or special needs

We also asked survey participants if the current benefits system prevented them from adopting a sibling group, or a child with complex or special needs. The participants who responded most to these questions were adoptive and awaiting parents. Almost one-quarter of awaiting parents, and 13.5% of adoptive parents agreed that the current system prevented them from adopting a sibling group. Moreover, 30% of awaiting parents and 14% of adoptive parents felt that the current system undermined their ability to adopt a child with complex or special needs. These findings suggest that measures like the addition of an attachment leave would make it easier for people to welcome into their family children who are part of a sibling group or who have complex or special needs. These are children who, generally speaking, tend to be more difficult to place in families.

> *"... being able to take adequate time off is essential to establishing bonds, normalcy, and trust between parents, siblings, and children coming into the family through adoption. Especially in the case where the child being placed as mental or physical challenges, the adjustment and regulation period takes longer and time is needed to establish a successful environment for all."*
>
> — SURVEY PARTICIPANT

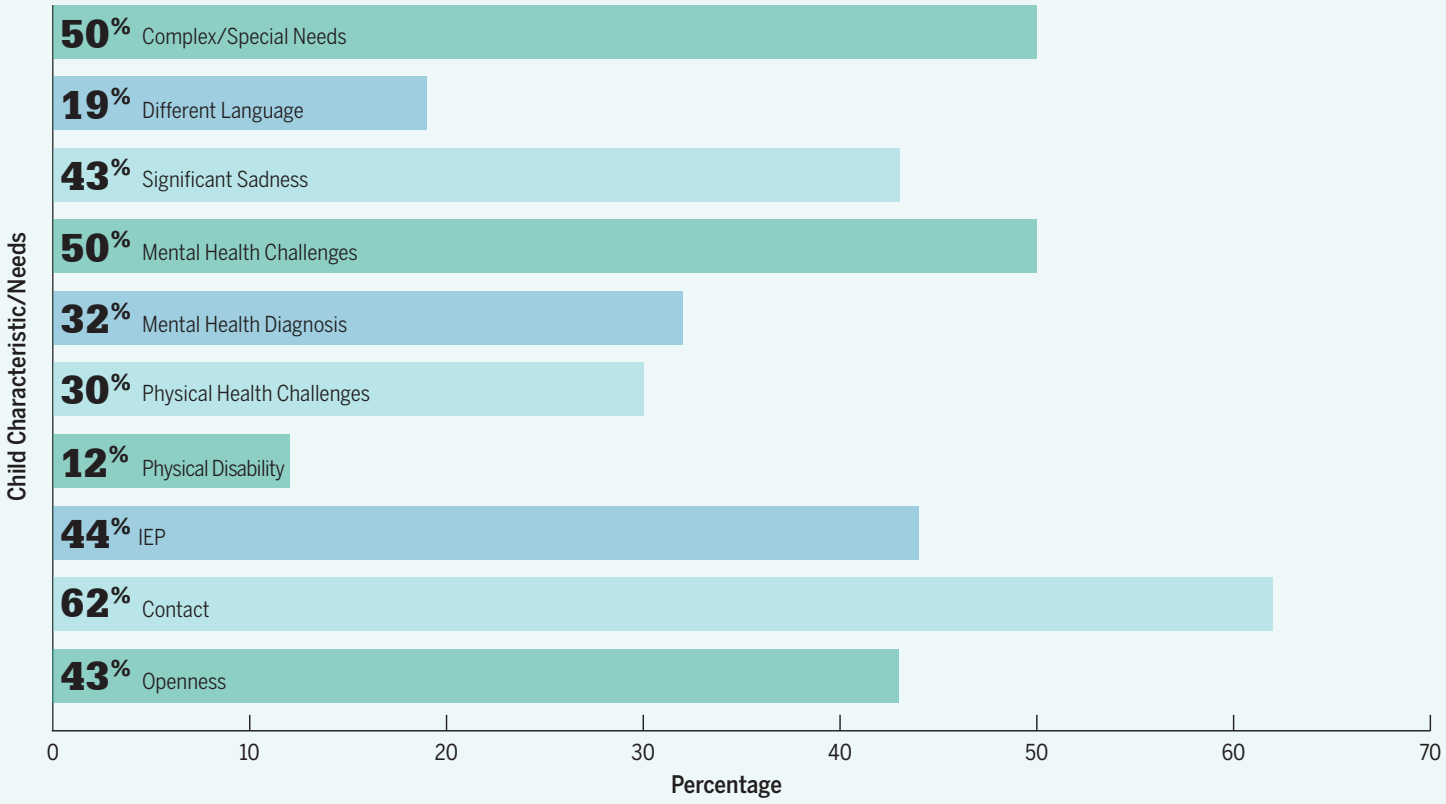
What are the benefits of an attachment leave?

As discussed earlier in this report, because of the complicated circumstances that have often characterized the lives of children in care, it is not unusual for them to need a high level of support. Many of them also require the additional support of professionals such as therapists or physicians. An attachment leave would provide parents and caregivers with more time to address the needs of their children. Figure 4 (next page) provides a snapshot of the needs of the children cared for by our survey participants.

> *"Our first adoption was from Russia, and she didn't speak the language. That extra time would have been meaningful for her to adjust to our family, our routines, learn the language, learn how and what to eat, get proper exercise (she also was a bit developmentally delayed due to living two years in an orphanage)."*
>
> — SURVEY PARTICIPANT

FIGURE 4

Percentage of participants who report that one or more of the children in their family have the following characteristics or needs.



These data show that while trying to build a secure attachment, many parents and caregivers also have to navigate a variety of support systems or relationships in an effort to address their children's needs.[23] For many, the relevant relationships are with birth family or, more generally, with people (e.g., birth parents, siblings, previous foster parents) who have a court order or arrangement of openness to the child. (And to be clear, such orders usually take effect right after the placement of the child with their new family.[24]) The additional time provided by an attachment leave would clearly benefit families as they struggle to ensure that their child(ren) maintain relationships with people to whom they have a prior attachment and also receive any professional help they need.

> *"Children being placed for adoption, either at birth or an older age, ... have very different experiences than other children and their lives usually involve court- or agency-ordered visits with birth families. These visits, and the back and forth from their foster-adopt/kin home, ... has an emotional ... impact on them."*
>
> — SURVEY PARTICIPANT

23 Granted, the amount of data we have from kin or customary caregivers on this point is low, so we can't state it with as much confidence about this group as we can about adoptive or awaiting parents.

24 Martha Chamberlain, family lawyer and Chair of the Openness Committee of A4L; personal communication.

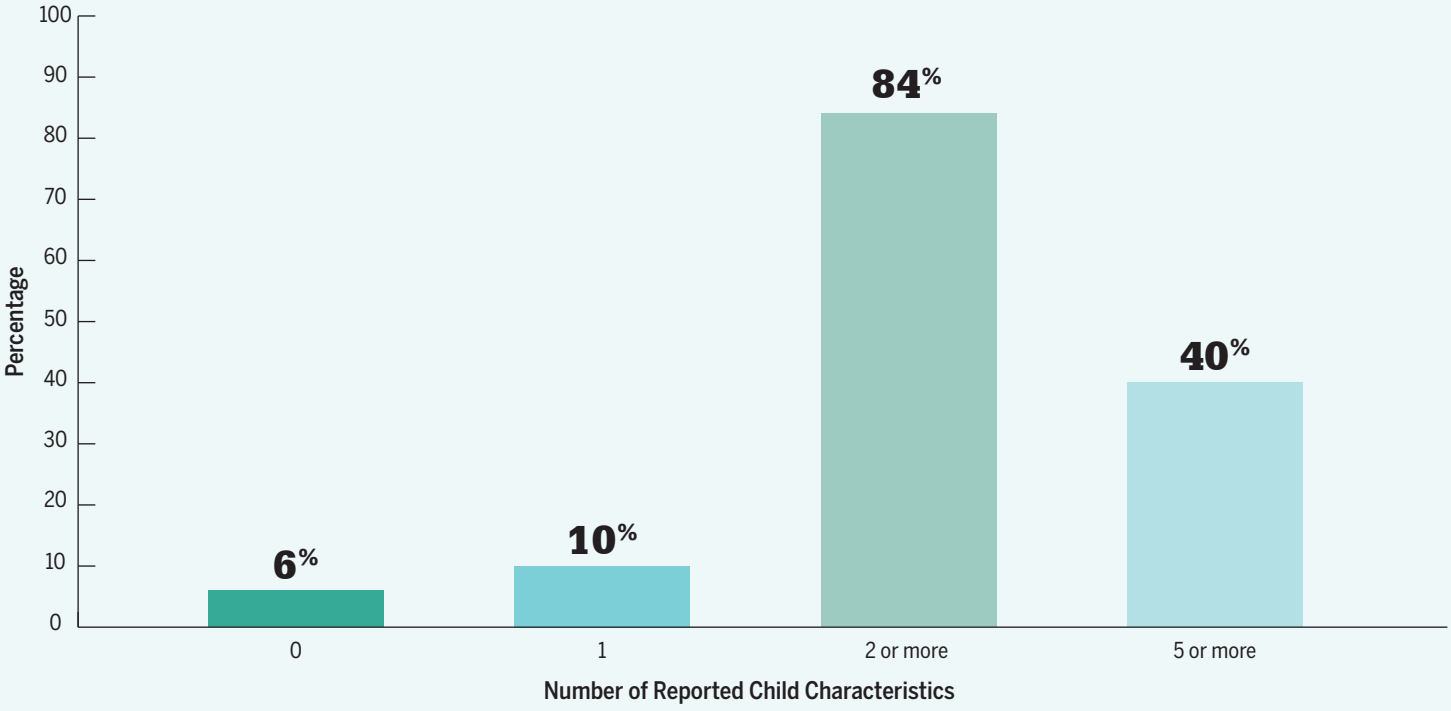
Figure 5 builds on Figure 4; it shows that only 6% of survey participants reported that none of the above characteristics describes the child(ren) in their care. By contrast, over 80% of survey participants reported more than one of these characteristics in their child, while 40% reported *five or more* characteristics. These data are consistent with studies showing that complex needs, including physical and developmental disabilities and mental health problems, are more prevalent in adoptees than they are in the general population (van Ijzendoorn and Juffer 2006; Brodzinsky and Pinderhughes 2005).

To conclude, survey participants overwhelmingly supported the idea of 15 weeks of attachment benefits and leave, and said they would take this leave if it was available. For a majority, the current leave was not enough for them and for their child to adjust to their new family. According to our data, the addition of attachment benefits would also make it easier for some parents to adopt a sibling group or a child with complex or special needs. Overall, more leave time would allow these parents or caregivers to better support the broad array of needs that their children have, including their need for secure attachments.

> *"Many of my friends and colleagues [who] have adopted older children, medically fragile children, traumatized children, and sibling groups have ended up taking unpaid leaves in order to meet their children's needs, ultimately putting them [out] tens of thousands of dollars."*
>
> — SURVEY PARTICIPANT

FIGURE 5

Percentage of Parents or Caregivers by Number of Reported Child Characteristics (none, one only, two or more, five or more).



5. The Cost to the Government

Previous sections have outlined arguments in favor of attachment benefits by drawing on child psychology, principles of justice and equity, and our survey. This section deals with costs: specifically, to the Canadian government should it choose to implement the benefits that we have recommended. Our estimations are based on adoption statistics gathered by our consultants (especially Cathy Murphy, ACC, and Erin Ingard Rau, A4L), on our Time to Attach survey findings (as outlined in Section 4), and on the 2017-18 **Employment Insurance Monitoring and Assessment Report** from Employment and Social Development Canada. Overall, we have found that the forward-looking cost of having attachment benefits available in the fiscal year of 2019-20 varies between $12-20,000,000, depending on the numbers used.

> *"We need less discrimination, a greater understanding of the challenges faced by adoptive parents, and greater support. Ultimately, it will cost the system less overall because the better parents are able to support their adopted children, the less of a burden they will be on the 'system'."*
>
> — SURVEY PARTICIPANT

The variance in cost is due, in part, to the difficulty of collecting accurate adoption statistics in Canada. There is a troubling lack of uniform data collection about adoption and foster care. No nation-wide tracking database exists from which to draw exact numbers; information collection is left entirely up to the provinces. This makes gathering current data, and projecting future trends, on a federal scale very complicated. We were aware of this problem at the start of our project, and so decided then to initiate the collection (i.e., by Murphy and Ingard Rau) of as much provincial and territorial data as possible. In the end, we were able to obtain statistics for the fiscal year of 2017-2018; and we will assume the numbers will be same for 2019-20. The statistics we have for 2017-18 come from all of the provinces and territories except Saskatchewan and Alberta (see Figure 6 for the statistics, and Appendix B for the sources of them). We have also left out Québec, because it operates on a different benefits system. The numbers we received for Alberta, and for public adoptions in Ontario, are from 2016-17; for the purposes of our calculations, we will assume that these numbers were the same in 2017-18. Saskatchewan has not yet reported their 2017-2018 adoption rates. Where relevant and possible, we have also excluded spousal adoptions, since people who adopt their spouse's children are not eligible for parental leave benefits.

FIGURE 6
Numbers of Children Adopted, Fiscal Year 2017-18

	ADOPTION TYPES				
Provinces	**Public**	**Private**	**International**	**Kin**	**Total**
Alberta[25]	403	87	54	37	**581**
British Columbia	244	38	111	Unknown	**393**
Manitoba	58[26]	18	16	4	**96**
New Brunswick	60	14	0	0	**74**
Newfoundland and Labrador	27	0	17	0	**44**
North West Territories	7	1	9	9	**8**
Nova Scotia			Unknown		**111**
Nunavut	3	14	0	0	**17**
Ontario	900	46	41	Unknown	**987**
Prince Edward Island	12	9[27]	0	0	**21**
Yukon	3	1	0	0	**4**
				Grand Total	**2336**

Figure 6 shows that 2336 children were adopted in Canada in 2017-18. We have included, where possible, the numbers for all of the types of adoption named in Figure 6. Unfortunately, our sources did not provide data on customary care placements (or the like). Some of them also reported gaps in the data they did provide, whereas others clarified that they were giving estimates rather than exact numbers. Given these issues and the absence of any data from Saskatchewan, we will estimate the number of children adopted in 2017-18 to be 2,400.

Before tabulating the costs of implementing attachment benefits for 2019-2020, we need to outline further assumptions we will make, beyond the conjecture that the numbers for 2019-20 will be the same as they were for 2017-18. We will also presume the following. First, the adoptions of all of the 2400 children in 2019-20 will be single-child adoptions, which means that each of them will count as one adoption for the purposes of EI. (Likely, some of these children will be adopted in a sibling group; the adoption of siblings counts as one adoption for the purposes of EI.) Second and third, the parents of all of these children will qualify for EI, but only 88% of them will use attachment benefits if they are made available to them. (The number, 88%, comes from our survey; see Figure 3 above.) Fourth and last, all families will be eligible for the maximum payout of $562 per week (for 15 weeks) and will take the maximum (i.e., the full 15 weeks' worth).[28] These different assumptions yield a figure, for 2019-2020, of 2,112 EI claims[29] of $562 per week for 15 weeks, or almost $18,000,000. The numbers we've used to generate this estimate are high (especially the number of claims and the payout); however, using high numbers prevents low-ball estimations.

25 Again, 2016-2017 figures.

26 This is the sum of 'permanent ward' and 'de facto' adoptions. For more information about Manitoba's classification of adoptions, see ***https://www.gov.mb.ca/fs/about/pubs/fsar_2017-18.pdf.***

27 This includes spousal adoptions, although we're not sure how many.

28 For the 2019 benefits breakdown, see ***https://www.canada.ca/en/services/benefits/ei/ei-regular-benefit/benefit-amount.html***

29 2,112 as 88% of 2,400.

We are now able to give our calculations, which appear in Figure 7.

FIGURE 7
Cost Projections for 2019-2020

Number of EI Claims (Approximate)	Max Benefits (at 55% of income)	Total for 15 Weeks
2,112	$562	**$17,804,160**
2,400	$562	**$20,232,000**

Figure 7 provides us with a mid- and high point in a range of projected costs. We can also give a low point, based on the 2017-18 Employment Insurance Monitoring and Assessment Report, which says that of the 198,050 claims for parental benefits made in that year, less than 1% (~1500) came from adoptive parents.[30] From this figure (1500), assuming it remains unchanged for 2019-20, we can generate the low estimate of $12,645,000.

FIGURE 7A
Cost Projections for 2019-2020 (Revised)

Number of EI Claims (Approximate)	Max Benefits (at 55% of income)	Total for 15 Weeks
1,500	$562	$12,645,000
2,112	$562	$17,804,160
2,400	$562	$20,232,000

Thus, as noted above, the cost of implementing attachment benefits for 2019-20 varies roughly between $12-20,000,000. This range is big, but the data needed to produce a range are hard to come by. Also, the high point of $20,000,000 is probably too high (i.e., because the number, 2400, is probably too conservative). It is likely that the true cost of introducing attachment benefits lies somewhere close to the middle of the range we've given.

This assessment of the costs of introducing attachment benefits has not included what the government would save by giving adopted children more time to attach. We predict that there will be savings in the areas of child welfare, health care (particularly child mental health care), and education. For example, our survey indicates that the cost of having children in care will decrease because more people will probably be willing to adopt a sibling group or a child with complex or special needs, which in turn means that there will probably be more adoption placements. (We do not anticipate the number of new placements being so high, however, that the associated increase in EI claims would exceed the middle of the range provided above.)

> *"We adopted an older child with special needs (autism and ADHA). The child had experienced the death of two caregivers prior to being placed in foster care. The cost of keeping this child in foster care, including medical care and other services (e.g., counselling), [is certainly higher than] the cost of [added] parental benefits for adoptive parents."*
>
> — SURVEY PARTICIPANT

30 What explains the big gap between this number — 1500 — and our projection of 2,112 claims made? The answers lie, in short, in the assumptions we listed above, which make the number, 2,112, quite conservative.

6. The Need for Legislative Change

Finally, we would like to note that implementing attachment benefits would require changes to some federal legislation. The relevant pieces of legislation are the *Employment Insurance Act* and the *Canadian Labour Code* (Code).[31] Research done for us by the Library of Parliament[32] suggests that the main sections of the EI Act that would need to change are 12(3)(b), 12(4)(b), 12(4.01), 23(2), 23(4), and 23 (4.1) (Perez-Leclerc 2018). Also, 'in order to ensure that adoptive parents … have access to job-protected leave of absence during the time they would receive the additional weeks of EI benefits, Part III (regarding labour standards) of the [Code] would also need to be amended' (Perez-Leclerc 2018, 3). This part of the Code applies only to adoptive parents who are employees in federally-regulated workplaces. To ensure that other adoptive parents received similar job protection, provinces and territories would need to amend their employment standards legislation.

31 ***Employment Insurance Act***, S.C. 1996, c.23; ***Canada Labour Code***, R.S.C. 1985, c. L-2.

32 Our thanks go to MP Rob Oliphant for making this request on our behalf.

7. Conclusion

The case for increasing the EI benefits that adoptive parents can receive is strong. The case for calling the additional benefits offered to them 'attachment benefits' is also strong. Most, if not all, adopted children struggle with attachment. The Canadian government should introduce attachment benefits in the way we have outlined and reproduced below. It should do so for the sake of the well-being of adopted children, out of respect for their rights, because justice demands it, and because their parents have testified to the fact that they, the children, need more time to heal and attach to them, their new parents: the people who have committed to providing them with a secure place in the world from which they can explore and in which they can thrive.

To reiterate from Section 1, we recommend the following for attachment benefits:

- **In terms of the benefit rate and number of weeks one can receive them, the benefits should (at the very least) be equal to maternity benefits, and thus available at a rate of 55% of average weekly insurable earnings and for 15 weeks.**
- **Like maternity benefits, they should be available as early as 12 weeks before the expected date of arrival of the child and as late as 17 weeks after that date.**
- **Where there are two parents, rather than a single parent, either one should be eligible for attachment benefits.**
- **These benefits should be offered in addition to 'parental benefits.'**

The 'parents' we have in mind are people who provide permanency to children (see Section 1), which will often, though not always, occur through a legal adoption. EI attachment and parental benefits should be available equally to these people, whether they are adoptive parents, kin caregivers, or customary caregivers. In our view, that is the minimum the Canadian government should do to support these families while the children are transitioning into them and building the trust and attachment that is crucial to their development.

8. Appendixes

APPENDIX A

Survey Methods

The survey was online, anonymous, and directed toward individuals from across Canada who self-identified as adoptive parents, awaiting parents, kin caregivers, or customary caregivers. Ethics approval was obtained from the University of Western Ontario's Research Ethics Board. The survey took approximately 15 minutes to complete.

We encouraged participation in a variety of ways. Five adoption organizations from across Canada shared information about the survey with their members online or via social media (i.e., on their webpage, on Facebook, or on Twitter). We also promoted the survey on the 'time to attach' webpage: **https://timetoattach.com**. Lastly, information about it and how to fill it out was distributed at an Adoption Resource Exchange (ARE) event in Toronto.

APPENDIX B

Sources for Provincial and Territorial Numbers of Children Adopted (2017-2018)

Province	Ministry / Organization	Point of Contact Department / Position
Alberta	Government of Alberta	Alberta Ministry of Children's Services, Adoption Services
British Columbia	BC Adoptive Families	Director of Child, Youth, and Family Development
Manitoba	Government of Manitoba	Provincial Adoption Manager, Department of Families Child and Family Services Division
New Brunswick	New Brunswick Adoption Foundation	Adoption Program Consultant, Child & Youth Services Branch, Department of Social Development
Newfoundland and Labrador	Government of NL	N/A
North West Territories	Government of NWT	Manager at Children and Family Services, Department of Health and Social Services
Nova Scotia	Government of Nova Scotia	Manager of Adoption Services
Nunavut	Government of Nunavut	Deputy Director of Adoptions
Ontario	Ministry of Children, Community and Social Services	Acting Coordinator
Prince Edward Island	Government of PEI, Adoption Services	Provincial Adoption Coordinator, Department of Social Services
Saskatchewan	Government of Saskatchewan	Director, Adoption Services
Yukon	Government of Yukon	Manager, Child Placement Services

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(all links accessed on May 5, 2019)

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