

General Information:

Family adoption (also known as “kinship adoption”) is where a child is adopted by a close family member.

Family adoption of a child who is a resident of Canada can often be completed by applying to an Ontario court (the Ontario Court of Justice Family Court or the Family Court Branch of the Superior Court of Justice) without the involvement of either an adoption licensee or a Children’s Aid Society. You can find a list of court addresses by visiting the [Ministry of the Attorney General’s website](#).

Court staff can provide you with forms and information about the process of family adoption, but they cannot give you any legal advice. You may wish to speak with a lawyer about your situation before you file your documents with the court.

The family adoption process is only available to an adoptive parent with one of the following relationships to the child:

- step-parent
- “relative” which is defined as:
 - grandparent
 - aunt or uncle
 - great-aunt or great-uncle

If you are seeking to adopt a child to whom you are related in another way, or to adopt a child who is not a resident of Canada, you must contact an adoption licensee and proceed through the [private adoption](#) process. For more information, see the Ministry of Children, Community and Social Services’ website at <http://www.children.gov.on.ca/>.

Court Forms can be found at: www.ontariocourtforms.ca. *Ce guide est également disponible en français.*

Step 1: Consents to Adoption (Form 34 and Form 34F)

In a family adoption, where the parents and child (if over age 7) have provided consent, **the adoption application process may only be started after 21 days have passed since the consent forms were signed.**

The following are the consent forms that must be signed by the parents and the child (if over 7):

- ☐ **Form 34: Child’s Consent to Adoption:** If the child is 7 years of age or older, the child must speak to a lawyer who is a representative of the Office of the Children’s Lawyer. All documents must be signed and sworn before the same lawyer. You may contact the Office of the Children’s Lawyer at 416-314-8000 or by writing to:

Office of the Children's Lawyer
393 University Avenue, 14th Floor
Toronto, ON M5G 1E6

- ☐ **Form 34F: Parent's or Custodian's Consent to Adoption**: This form needs to be completed by each "parent" of the child as defined under section 180 of the [Child, Youth and Family Services Act, 2017](#). This consent form must be witnessed by a lawyer, who completes the affidavit of execution on the back of the form.

If you are not able to provide these consent forms for your family adoption, you should speak to a lawyer about your options.

Step 2: File the Required Documents with the Court

Once the 21 day period has passed since the consents to adoption were signed, **complete and file** the following documents with the court, in addition to the consent form(s) signed at Step 1. These documents must all be filed at the same time:

- ☐ **Form 8D: Application (Adoption)**: You must fully complete, sign, and date this form. The applicant is the person seeking to adopt a child. The respondent is each "parent" of the child as defined under section 180 of the [Child, Youth and Family Services Act, 2017](#). **You must file this form within 12 months of it being signed.**
- ☐ **Proof of Birth**: You must file a certified copy of the child's statement of live birth, or an equivalent document. A certified copy is a photocopy of an original document produced and certified by a person authorized to do so. A qualified [Notary Public](#) can make a certified copy.

If the child was born in Ontario, and you do not have the statement of live birth, you can get a copy of the child's birth registration from [ServiceOntario](#). Note there is a fee charged to obtain a copy. You may contact ServiceOntario toll free at 1-800-267-8097 or within Toronto at 416-326-1234. The Office of the Registrar General may be contacted toll free at 1-800-461-2156 or within Toronto at 416-325-8305.

- ☐ **Form 34A: Affidavit of Parentage, sworn/affirmed**: This form is filled out by the person(s) who meets the definition of "parent" of the child as defined under section 180 of the [Child, Youth and Family Services Act, 2017](#). They must swear or affirm that the information in their form is true, and sign it in front of a [qualified commissioner for taking affidavits](#). There are commissioners at all [family court offices](#) who will do this for free. It is a criminal offence to swear or affirm a false or misleading affidavit.
- ☐ **Form 34D: Affidavit of Adoption Applicant(s), sworn/affirmed**: You must swear or affirm that the information in this form is true, and sign your form in front of a [qualified commissioner for taking affidavits](#). There are commissioners at all [family court offices](#) who will do this for free. It is a criminal offence to swear or affirm a false or misleading affidavit.

- ☐ **Form 34H: Affidavit of Adopting Relative or Step-parent, sworn/affirmed**: You must swear or affirm that the information in this form is true, and sign your form in front of a [qualified commissioner for taking affidavits](#). There are commissioners at all [family court offices](#) who will do this for free. It is a criminal offence to swear or affirm a false or misleading affidavit.
- ☐ **Marriage Certificate**: If you are married, and you are applying together with your spouse to adopt a child, provide a copy of your marriage certificate.
- ☐ **Form 34B: Non-Parent's Consent to Adoption by Spouse**: This form is needed if you are seeking to adopt a child, and have a spouse who is not joining in the adoption application. This consent form is completed by your spouse and must be witnessed by a lawyer, who completes the affidavit of execution on the back of the form.
- ☐ **Form 34I: Parent's Consent to Adoption by Spouse**: This form is needed in a step-parent adoption only. It is completed by the "parent" of the child (as defined under s. 180 the [Child, Youth and Family Services Act](#)), and is their consent to their spouse's adoption of the child. This consent form must be witnessed by a lawyer, who completes the affidavit of execution on the back of the form.
- ☐ **Certified copy of any order regarding custody or access involving the child**: You must provide certified copies of any orders of custody or access to the child being adopted.
- ☐ **Draft Form 25C: Adoption Order**: Complete all sections of this form, which must be typed, not handwritten. If the court makes the order that you want, the judge will sign and date this form and it becomes the Adoption Order. Bring 3 copies for filing.
- ☐ **Continuing Record and Table of Contents**: Every document you file in your case is included in a continuing record, which is kept in your court file at the courthouse. You are responsible for creating the cover page and table of contents for the continuing record. Court staff can help you with this. The [Formal Requirements of the Continuing Record](#) and rule 9 of the [Family Law Rules](#) tell you how to create and update your continuing record.

Adoptions can be a complicated process!

You may wish to retain a lawyer to help you with this process. If you would like to speak with a lawyer, but do not know who to call, the Law Society Referral Service can provide you with the name of a lawyer who will provide a free initial consultation for up to 30 minutes to help determine your rights and options. If you decide to retain the lawyer, their normal fees and disbursement would apply.

If you like to be referred to a lawyer, you may submit a request to the Law Society Referral Service at www.findlegalhelp.ca. The telephone number for the service is 1-800-268-8326 or, within the Greater Toronto Area, 416-947-3330.

For information on accessibility of court related services, including accessible formats of this document for people with disability-related needs, contact:
 Tel: 416-326-2220/1-800-518-7901
 TTY: 416-326-4012/1-877-425-0575