Private Delivery of Public Social Policy in Canada’s Most Socially Conservative Province
Explaining Gay and Lesbian Adoption Policy Development in Alberta
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ABSTRACT

Why were gay and lesbian Albertans able to adopt children in 1999? Despite being identified as Canada’s most socially conservative province, notably for lagging behind other Canadian jurisdictions on issues of gay rights (Smith, 2008), the province was among the first to allow gays and lesbians to legally adopt children. Given the existing literature on gay and lesbian politics in Canada, this outcome makes little sense. This research re-examines this issue from another perspective: the public-private dichotomy. In examining this as a specific policy issue, this paper accomplishes three things. First, it demonstrates that policies create legacies over time and interest groups may emerge to take advantage of and support their maintenance (Hacker, 2002; Klein, 2003; Beland, 2008). Second, it demonstrates that private and non-profit agencies may in fact promote equality, rather than inequality. In this case, an historically marginalized group was able to take advantage of a policy to gain access to that which the public system would not grant them. Finally, it demonstrates that the public-private dichotomy is insufficient to explain adoption policy outcomes in Alberta; we must also consider the non-profit sector.

RESEARCH QUESTION

Why, despite Alberta’s reputation as the most socially conservative province, were gay and lesbians able to legally adopt children in 1999, in some cases years ahead of many other provinces?

DEFINITIONS

Adoption – the placement of a child (the adoptee) with an approved applicant or applicants, granting them permanent legal guardianship.

Private (Non-Ward) Adoption – any adoption within Canada that is not arranged by a public agency. These can be arranged by private agencies, nonprofits, or non-governmental agents.

Open adoption – adoptions involving some kind of interaction between a prospective birth mother and adoptive parents.

ANALYSIS AND FINDINGS

Strong-Boag (2009) identifies three periods of adoption policy development common across the Canadian provinces, organized by patterns found in institutional arrangements, policy goals and characteristics, and social trends. For the purposes of this study, neoliberal developments in the third period, taking place from approximately 1960 to the present and characterized by governments’ attempts to interpret and enforce what they consider to be “the best interests of the child” are most important in explaining why gay and lesbian Albertans were able to adopt in 1999. During this period, the state plays an overtly interventionist role in protecting children, often removing them from families deemed “unfit” based on criteria such as location, race, and other perceptions of fitness. This research identifies six key developments, the first two of which were previously unidentified:

1. Bill 35 – Child Welfare Act (1985): specified that any adult could make a direct application to the court for an adoption order; removed requirement that director of Child Welfare be notified of private placements
2. Bill 55 – Child Welfare Amendment Act (1988): introduction of open adoptions; required private agencies be licensed to perform home studies; provided additional responsibility for birth mothers to decide future of unborn child

SELECT BIBLIOGRAPHY


