

# Adoption law reform

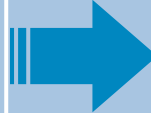
## Current adoption system

## Options we're considering

### Purpose and principles



No defined purpose or guiding principles



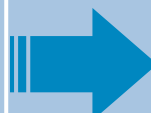
Child-centred purpose of adoption  
Guiding principles ensure that children's rights are upheld

### Legal effect



Birth parents are **replaced** with the adoptive parents

Adoptive parents get guardianship rights, responsibilities and duties



Birth parents and adoptive parents are **all** legal parents

Adoptive parents get guardianship rights, responsibilities and duties

### Child participation



Children's wishes are given due consideration

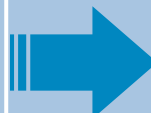


Children are supported to meaningfully participate  
Children are encouraged and supported to share their views and have them taken into account

### Family & whānau involvement



No legal requirement for birth family & whānau to be involved in the adoption process



A right for birth family & whānau to be involved in the adoption process

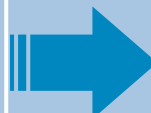
Post-adoption contact agreements help keep the child connected to family & whānau

### Information and identity



Adopted people must be at least 20 years old to apply for their original birth certificate

Some adopted people must attend counselling before accessing adoption information



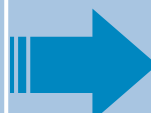
Automatic access to information on original birth record, with counselling available if requested

No age restrictions to access adoption information

### Connections to culture



No legal recognition of adopted person's right to be connected to their birth culture



Adopted person's right to be connected to their birth culture is recognised and supported through cultural reports and other measures

# Adoption Law Reform

## A Child's Journey\*

**\*Note:** This journey map is to aid people's understanding of how a child could move through the adoption system we are considering. It is designed to provide a simple overview of the adoption process and therefore does not cover all aspects of the process. Other types of adoptions, including step-parent, intercountry and overseas adoptions, may follow a different process.



### Before Application



### Application

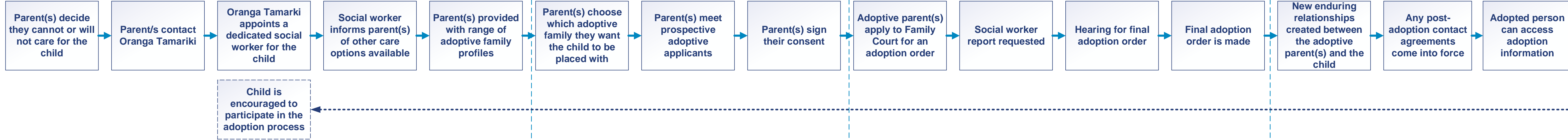


### At Court



### After adoption

Stage of Journey



Options we're considering

<p><b>Adoption:</b></p> <ul style="list-style-type: none"> <li>Is a service for a child, and is in their best interests</li> <li>Will create a stable, enduring &amp; loving relationship; and</li> <li>Is for a child whose parent/s cannot or will not provide care for them</li> </ul>	The Government should continue to hold responsibility for decision-making and assessment functions in the adoption process	The department responsible for providing the social worker report is required to appoint a dedicated social worker for the child	Social worker must inform parent(s) of the alternative care orders available, and the requirement for the Court to consider them before making an adoption order	<p>Parent(s) choose which adoptive family they want the child to be placed with</p> <p>Parent(s) meet prospective adoptive applicants</p> <p>Parent(s) sign their consent</p>	<p>Adoptive parent(s) apply to Family Court for an adoption order</p> <p>Social worker report requested</p> <p>Hearing for final adoption order</p> <p>Final adoption order is made</p>	<p>New enduring relationships created between the adoptive parent(s) and the child</p> <p>Any post-adoption contact agreements come into force</p> <p>Adopted person can access adoption information</p>	
<ul style="list-style-type: none"> <li>Adoption: Is a service for a child, and is in their best interests</li> <li>Will create a stable, enduring &amp; loving relationship; and</li> <li>Is for a child whose parent/s cannot or will not provide care for them</li> </ul>	The Government should continue to hold responsibility for decision-making and assessment functions in the adoption process	The department responsible for providing the social worker report is required to appoint a dedicated social worker for the child	Social worker must inform parent(s) of the alternative care orders available, and the requirement for the Court to consider them before making an adoption order	<p>Consent can only be given 30 days after the child is born</p> <p>Birth mother and father's consent required, unless dispensed with</p>	<p>Court may appoint a lawyer for child</p> <p>Social worker report to be child-centred and include information about the child's culture, how the child participated and their views</p> <p>Court may order medical, psychiatric, cultural or psychological reports in respect of the child</p> <p>Provision for child to attend and speak at adoption proceedings</p> <p>Final adoption order is made in the first instance unless desirable to make an interim order</p>	<p>Birth parent(s) legal-parent-child relationship is maintained</p> <p>Permanent guardianship of the child and all associated duties, powers, rights and responsibilities are transferred to the adoptive parent(s)</p> <p>Adoptive parent/s must consult with parent(s) and family/whānau on the impact relocation would have on contact (if it occurs)</p>	<p>No age restrictions for adopted people accessing adoption information</p> <p>Adopted people have automatic access to information on their original birth record</p> <p>Adopted people accessing information may request counselling</p>

Principles



# Adoption Law Reform

## A Birth Parent's Journey\*

**\*Note:** This journey map is to aid people's understanding of how birth parent(s) could move through the adoption system we are considering. It is designed to provide a simple overview of the adoption process and therefore does not cover all aspects of the process. Other types of adoptions, including step-parent, intercountry and overseas adoptions, may follow a different process.



### Before Application



### Application

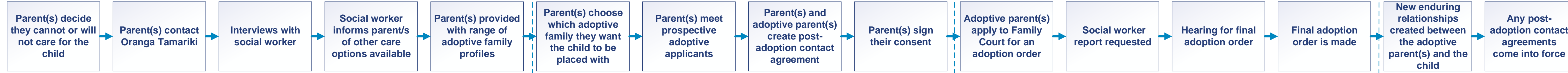


### At Court



### After adoption

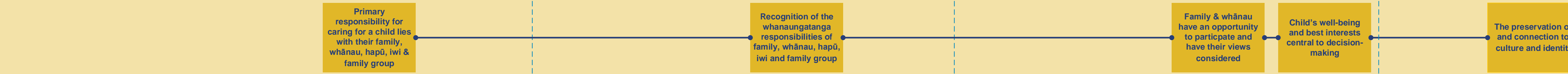
Stage of Journey



Options we're considering

<p><b>Adoption:</b></p> <ul style="list-style-type: none"> <li>Is a service for a child, and is in their best interests</li> <li>Will create a stable, enduring &amp; loving relationship; and</li> <li>Is for a child whose parent/s cannot or will not provide care for them</li> </ul>	<p>The Government should continue to hold responsibility for decision-making and assessment functions in the adoption process</p>	<p>Social worker must inform parent(s) of the alternative care orders available, and the requirement for the Court to consider them before making an adoption order</p>	<p>Parent(s) choose which adoptive family they want the child to be placed with</p>	<p>Parent(s) meet prospective adoptive applicants</p>	<p>Parent(s) and adoptive parent(s) create post-adoption contact agreement</p>	<p>Parent(s) sign their consent</p>	<p>Adoptive parent(s) apply to Family Court for an adoption order</p>	<p>Social worker report requested</p>	<p>Hearing for final adoption order</p>	<p>Final adoption order is made</p>	<p>New enduring relationships created between the adoptive parent(s) and the child</p>	<p>Any post-adoption contact agreements come into force</p>
<ul style="list-style-type: none"> <li>Is a service for a child, and is in their best interests</li> <li>Will create a stable, enduring &amp; loving relationship; and</li> <li>Is for a child whose parent/s cannot or will not provide care for them</li> </ul>	<p>The Government should continue to hold responsibility for decision-making and assessment functions in the adoption process</p>	<p>Social worker must inform parent(s) of the alternative care orders available, and the requirement for the Court to consider them before making an adoption order</p>			<p>Post-adoption contact agreements are required to be considered in all domestic adoption cases</p>	<p>Consent can only be given 30 days after the child is born</p> <p>Birth mother and father's consent required, unless dispensed with</p>		<p>Family &amp; whānau views on adoption to be included in social worker's report</p> <p>Cultural information to be provided to the Court in social worker's report</p>	<p>Court must be satisfied alternative care arrangements have been considered</p> <p>Parent(s) may attend and participate in adoption proceedings</p>	<p>Final adoption order is made in the first instance unless desirable to make an interim order</p> <p>Parent(s) may withdraw their consent up until a final adoption order is made</p>	<p>Birth parent(s) legal-parent-child relationship is maintained</p> <p>Permanent guardianship of the child and all associated duties, powers, rights and responsibilities are transferred to the adoptive parent(s)</p>	<p>Adoptive parent(s) must consult with parent/s and family/whānau on the impact relocation would have on contact (if it occurs)</p>

Principles



### Family and whānau involvement in the adoption process

<p>Alternative care arrangements may include placements within family and whānau</p>	<p>Post-adoption contact agreements involve the wider birth family and whānau</p>	<p>Social worker to include family and whānau views in the social worker report</p>	<p>Family &amp; whānau attend and participate in adoption proceedings if they so wish</p>	<p>Family &amp; whānau to be consulted if adoptive parent(s) decide to relocate</p>
--	---	---	---	---



# Adoption Law Reform

## An Adoptive Parent's Journey\*

**\*Note:** This journey map is to aid people's understanding of how adoptive parent/s could move through the adoption system we are considering. It is designed to provide a simple overview of the adoption process and therefore does not cover all aspects of the process. Other types of adoptions, including step-parent, intercountry and overseas adoptions, may follow a different process.



### Before Application



### Application



### At Court



### After adoption

Stage of Journey



Options we're considering

<p>Adoptive applicants to engage with Oranga Tamariki before submitting an application to Court</p>	<p>An Applicant must be at least 18 years old to be eligible to adopt</p> <p>No eligibility to adopt criteria based on an applicant's sex or relationship</p>	<p>The Government should continue to hold responsibility for decision-making and assessment functions in the adoption process</p>	<p>Post-adoption contact agreements are required to be considered in all domestic adoption cases</p>	<p>Consent can only be given 30 days after the child is born</p> <p>Birth mother and father's consent required, unless dispensed with</p>	<p>Content of the suitability assessment used to inform the social worker report be left to professional discretion</p> <p>Social worker report to inform Judge's decision on suitability</p>	<p>Court must be satisfied alternative care arrangements have been considered</p> <p>Judge must be satisfied that the adoptive applicants are suitable to adopt</p>	<p>Final adoption order is made in the first instance unless desirable to make an interim order</p> <p>Parent(s) may withdraw their consent up until a final adoption order is made</p>	<p>Birth parent(s) legal-parent-child relationship is maintained</p> <p>Permanent guardianship of the child and all associated duties, powers, rights and responsibilities are transferred to the adoptive parent(s)</p>	<p>Adoptive parent(s) must consult with parent(s) and family/whānau on the impact relocation would have on contact (if it occurs)</p>
---	---	---	--	---	---	---	---	--	---

Principles

Recognition of the whanaungatanga responsibilities of family, whānau, hapū, iwi and family group

Child's well-being and best interest central to decision-making

The preservation of, and connection to, culture and identity