COUNTRY PROFILE

1993 ADOPTION CONVENTION

2020 VERSION

RECEIVING STATE

COUNTRY NAME: New Zealand

PROFILE UPDATED ON: 30 June 2025

PART I: CENTRAL AUTHORITY

1. Contact details[1]	
Name of office:	New Zealand Central Authority, Oranga Tamariki-Ministry for Children, New Zealand
Acronyms used:	New Zealand Central Authority (NZCA), Oranga Tamariki-Ministry for Children (OT), New Zealand (NZ), Intercountry Adoption New Zealand (ICANZ), Compassion for Orphans (CfO), Adoption First Steps (AFS), Immigration New Zealand (INZ), Department of Internal Affairs (DIA), Ministry of Social Development (MSD), Prospective Adoptive Applicants (PAPs), Post Placement Reports (PPRs), Non-Government Organisation (NGO).
Address:	The Aurora Centre, 56 The Terrace, Wellington, New Zealand
Telephone:	+64 4 918 3300
Fax:	NA
E-mail:	nzca_adoptions@ot.govt.nz
Website:	www.orangatamariki.govt.nz
Contact person(s) and direct contact details (please indicate language(s) of communication):	Paula Attrill - General Manager, Operations Delivery and Enablement paula.attrill@ot.govt.nz English

If your State has designated more than one Central Authority, please provide contact details for the further Central Authorities below and specify the territorial extent of their functions.

[1] Please verify whether the contact details on the "Adoption Section" of the HCCH website < www.hcch.net > under "Central Authorities" are up to date. If not, please e-mail the updated contact information to < secretariat@hcch.net >.

PART II: RELEVANT LEGISLATION

2. The 1993 Adoption Convention and domestic legislation	
a) When did the 1993 Adoption Convention enter into force in your State? *This information is available on the Status Table for the 1993 Adoption Convention (accessible via the Adoption Section of the HCCH website < www.hcch.net >).*	1 January 1999
b) Please identify the legislation / regulations / procedural rules which implement or assist with the effective operation of the 1993 Adoption Convention in your State. Please also provide the date of their entry into force. *Please remember to indicate how the legislation / regulations / rules may be accessed:* e.g.*, provide a link to a website or attach a copy. Where applicable, please also provide a translation into English or French if possible.*	Adoption (Intercountry) Act 1997, which came into force on 1 January 1999 and is available at www.legislation.govt.nz Adoption (Intercountry) Regulations 1998 which came into force on 1 January 1999 and is available at www.legislation.govt.nz Social Sector Accreditation Standards were introduced in 2015 by then named Social Services Accreditation Team (SSA), hosted by the Ministry of Social Development (MSD), to assess contracted providers' capability and capacity to deliver quality social services. The accrediation standards are now managed by Te Kahui Kahu https://xn--tekhuikhu-7bbe.govt.nz/accreditation/index.html These Standards apply to Accredited Bodies for the purpose of providing Intercountry Adoption services delegation under the Adoption (Intercountry) Act 1997 and came into force May 1999. The Accreditation Standards are available at https://xn--tekhuikhu-7bbe.govt.nz/documents/what-is-accreditation/accreditation-standards/specialist-accreditation-standard-intercountry-adoption-services.pdf

3. Other international agreements on intercountry adoption[2]

[2] See Art. 39(2) which states: "Any Contracting State may enter into agreements with one or more other Contracting States, with a view to improving the application of the Convention in their mutual relations. These agreements may derogate only from the provisions of Articles 14 to 16 and 18 to 21. The States which have concluded such an agreement shall transmit a copy to the depositary of the Convention" (emphasis added).

Is your State party to any other international (cross-border) agreements concerning intercountry adoption? *See Art. 39.*	☒ Yes: ☐ Regional agreements (please specify): ☐ Bilateral agreements (please specify): ☐ Non-binding memoranda of understanding (please specify): ☒ Other (please specify): Information sharing agreement with the Supreme Court of Tonga ☐ No

PART III: THE ROLE OF AUTHORITIES AND BODIES

4. Central Authority(ies)	
Please briefly describe the functions of the Central Authority(ies) designated under the 1993 Adoption Convention in your State. *See Arts 6-9 and Arts 14-21 if accredited bodies are not used.*	The New Zealand Central Authority (NZCA): 1) Co-operates with other Central Authorities to protect children, exchange information (including data and statistics), keep others informed and updated of any changes, and works to prevent improper financial or other gain in connection with intercountry adoption. 2) Manages the transfer of adoption applications to the relevant Central Authority of a Contracting State. 3) Under Article 15 considers the report from Oranga Tamariki or the accredited assessment body, Adoption First Steps (AFS), on the prospective adoptive applicants (PAPs) and, if appropriate, creates an Article 15 certificate. 4) Considers, consults and approves (or not) the match, considers Article 17 and 5 requirements. 5) Identifies, where appropriate, whether the child's wishes, opinion, and consent to the adoption has been considered. 6) Provides an Article 17 certificate to the State of origin, having first approved the match and if the PAPs accept the match. 7) Supports the immigration process for the entry of the child into NZ. 8) Undertakes post placement reporting (PPRs) where this function is not a responsibility of a NZ accedited placement body. 9) Receives and archives reports completed by accredited bodies.

	10) Responds to inquiries about adoption and provides data when required. 11) Consults with the State of origin to determine the most appropriate options for the child if a continued placement in NZ is found not to be in the best interests of the child. 12) Manages relationships, supports and oversees the activity of New Zealand accredited bodies. 13) Supports adopted children to access education and medical treatment 14) Supports intercountry adoptees with their search for origins.

5. Public and competent authorities	
Please briefly describe the role of any public and / or competent authorities, including courts, in the intercountry adoption procedure in your State. *See Arts 4, 5, 8, 9, 12, 22, 23 and 30.*	The Chief Executive of Oranga Tamariki is the NZCA under the Convention. The NZCA administratively finalises intercountry adoptions by way of creating an Article 23 certificate of conformity under the Convention. Oranga Tamariki provides statutory social work services for children, young people and their families in New Zealand. Te Kahui Kahu (independent government business group) assess and accredit bodies to undertake functions that may be delegated by the NZCA under the Intercountry Adoption Act and Hague Convention. An additional competent authority is Immigration New Zealand (INZ). If the child is entering New Zealand using a passport from another country, they require an entry visa from INZ. Visa Officers assess whether the child meets the requirements for a residence visa or a temporary visa. Where applicable, the Department of Internal Affairs (DIA) assess the child's citizenship application and grant citizenship when appropriate. The Registrar-General of Births, Deaths and Marriages issues birth certificates for children who are adopted via the Convention. Not-for-profit bodies that are accredited by Te Kahui Kahu may be considered competent authorities to undertake either the education and assessment of the suitability of adoptive

	applicants, or facilitate the intercountry of children from another Contracting State with which the New Zealand government has a programme. A New Zealand accredited body may not undertake both functions.

6. National accredited bodies[3]	
a) Has your State accredited its own adoption bodies? *See Arts 10-11.* ***N.B.** the name(s) and address(es) of any national accredited bodies should be communicated by your State to the Permanent Bureau of the HCCH (see Art. 13).*[4]	☒ Yes ☐ No – **go to Question 8**
b) Please indicate the number of national accredited bodies in your State, including whether this number is limited and, if so, on what basis.[5]	There are three non-government agencies accredited in New Zealand.
c) Please briefly describe the role of national accredited bodies in your State.	There are two non-government bodies accredited to undertake placement services for children made available from contracting States with which New Zealand has a programme. These accredied bodies are delegated functions under Articles 9, 18, 19(2) and 20 of the Convention. The two accredited bodies are: Inter-Country Adoption New Zealand (ICANZ) is a non-government agency accredited to facilitate placements. It provides education and information to prospective adoptive parents before and after adoption. It also undertakes post-placement reporting and collects, preserves, and exchanges information with the NZCA to complete an adoption. ICANZ engages in NZCA approved programmes with authorised and accredited bodies in four States. It also provides post-placement support directly and via intercountry adoption support

[3] "National accredited bodies" in this Country Profile means adoption bodies based within your State (receiving State) which have been accredited under the 1993 Adoption Convention by the competent authorities in your State. See further *Guide to Good Practice No 2 on Accreditation and Adoption Accredited Bodies* ("GGP No 2"), available on the Adoption Section of the HCCH website < www.hcch.net > at Chapters 3.1 *et seq.*

[4] *Ibid.,* Chapter 3.2.1 (para. 111).

[5] *Ibid.*, Chapter 3.4.

	networks. ICANZ helps to facilitate the process of intercountry adoptions under programmes approved by the New Zealand Government and authorised by the Central Authority in Thailand, the Philippines, Lithuania and India. Compassion for Orphans (CfO) is a non-government agency accedited to facilitate placements under the same delegations. In addition to the functions also carried out by ICANZ, CfO operate a 24 hour intercountry adoption help line. CfO is engaged in NZCA approved programmes with authorised and accredited bodies in three States. CfO has been authorised to facilitate intercountry adoptions by the Central Authorities of Chile and Thailand and has also been authorised by the Indian Central Authority, but does not currently engage in placement functions in India. There is one non-government agency, Adoption First Steps (AFS), accredited to undertake education, assessment and report writing services that are functions delegated under Article 15 (1) of the Convention for PAPs wishing to lodge an application in a Contracting State with which the New Zealand Government has a programme.
6.1 The accreditation procedure (Arts 10-11)	
a) Which authority / body is responsible for the accreditation of national adoption bodies in your State?	Te Kahui Kahu (Welcome to Te Kāhui Kāhu (xn--tekhuikhu-7bbe.govt.nz)
b) Please briefly describe the *procedure* for granting accreditation and the most important accreditation *criteria*.	Accredited bodies apply for accreditation under the Social Sector Accreditation Standards. The agency must provide its key operational policies, procedures and systems and it is assessed against the Standards. Criteria include the best interests of the child, evidence of the agency being not for profit and evidence of sound financial management. Only organisations which meet the criteria set out in section 15 of the Adoption (Intercountry) Act 1997 may apply to carry out either assessment or placement functions. Section 15 states that an accredited body: (a) must pursue only non-profit objectives; and

	(b) have demonstrated its capability and competence to carry out properly and on a continued basis the tasks that may be delegated to it under the Convention; and (c) have demonstrated, by its aims, policy, and operations, that it will operate in the best interests of the child, and with respect for his or her fundemantal rights, when carrying out tasks that may be delegated to it under the Convention; and (d) is directed and staffed by persons qualified by their ethical standards and by training or experience to work in the field of intercountry adoption. The Standards are the mechanism through which accedited bodies are assessed to ensure they meet this criteria. Sections 15 to 23 of the Adoption (Intercountry) Act 1997 sets out assessment and accreditation processes for New Zealand accredited bodies. The accredited bodies are audited annually against the Standards described above.
c) For how long is accreditation granted in your State?	Accreditation does not expire, but if in an annual review undertaken against the Standards the body failed to meet the criteria, their accreditation may be revoked.
d) Please briefly describe the criteria and the procedure used to determine whether the accreditation of a national adoption body will be *renewed*.	Accreditation does not expire. Accredited bodies have a yearly review of operational and financial management. Accredited bodies are measured on procedures to ensure the best interests of the child is the paramount consideration in all their operations, that it pursues only non-profit objectives, demonstrates its capability and competence to carry out tasks delegated to it under the Convention, and that it is directed and staffed by persons qualified by their ethical standards and by training and experience to work in the field of intercountry adoption. It must have a clearly defined management structure and have robust recruitment and vetting and training and supervision of staff. These criteria are included in section 15 of the Adoption (Intercountry) Act 1997.

6.2 Monitoring of national accredited bodies[6]	
a) Which authority is competent to monitor / supervise national accredited bodies in your State? *See Art. 11(c).*	The NZCA and Te Kahui Kahu.
b) Please briefly describe how national accredited bodies are monitored / supervised in your State (*e.g.*, if inspections are undertaken, how frequently).	Accredited bodies are reviewed annually. Standards are used by Te Kahui Kahu to assist with assessing the body. The public are notified of the annual review and are able to make submissions about the accredited bodies, which are taken into consideration in the review.
c) Please briefly describe the circumstances in which the accreditation of bodies can be revoked (*i.e.*, withdrawn).	The accredited body may have its accreditation suspended or revoked if it is in the public interest to do so, and if requirements have not been met, including if it: 1) Pursues profit objectives. 2) Is no longer considered suited to perform functions or has failed in a significant way to adequately perform any function. 3) Has not provided NZCA access to documents or records. 4) Has charged excessive costs and expenses in respect of the performance of any delegated function. 5) Has allowed unreasonably high remuneration to staff. 6) Has not submitted to supervision of its composition, operation and financial situation by the NZCA or Te Kahui Kahu.
d) If national accredited bodies do not comply with the 1993 Adoption Convention, is it possible for sanctions to be applied?	☒ Yes, please specify possible sanctions (*e.g.*, fine, withdrawal of accreditation): The NZCA or Te Kahui Kahu may: 1) Request a requirement to be in place for the organisation to address an area of concern. 2) Impose the need for remedial action while the issue is addressed within a specified time. 3) Suspend the approval of an accredited body after providing both 60 days notice of its intention to revoke the approval of the accredited body, and the reasons for the decision. Submissions from the organisation must be considered before a final decision is made to revoke the accreditation of the body.

[6] *Ibid.*, Chapter 7.4.

	☐ No

7. Authorisation of national accredited bodies to work in other Contracting States (Art. 12)[7]	
7.1 The authorisation procedure	
a) Which authority / body in your State is responsible for the authorisation of national accredited bodies to work with, or in, other Contracting States?	The NZCA as the representative for the New Zealand Government.
b) Is authorisation granted as part of the accreditation procedure or is a separate authorisation procedure undertaken?	☐ Authorisation is granted as part of the accreditation procedure. ☒ A separate procedure is undertaken for authorisation.
c) Is authorisation granted to national accredited bodies to work in *all* States of origin or must national accredited bodies apply for authorisation to work in specific, pre-identified State(s) of origin?	☐ Authorisation is granted generally: once authorised, national accredited bodies are able to work in *all* States of origin. ☒ Authorisation is granted specifically: national accredited bodies must apply for authorisation to work in one or more pre-identified State(s) of origin.
d) Please briefly describe the *procedure* for granting authorisation and the most important authorisation *criteria*.[8] If your State does not have authorisation criteria, please explain on what basis decisions concerning authorisation are made. Please also explain whether your State has any criteria concerning how the national accredited body must establish itself in the State(s) of origin or whether this is left entirely to the requirements of the State of origin (*e.g.*, requirements that the body must have a local representative in the State of origin, or must establish a local office).	Accredited bodies make an application for authorisation to work in a State of origin. The NZCA takes in to account the following factors when it receives a request by an accredited body in New Zealand wanting to work in a State of origin: 1) Whether there are children in need and the nature of the need of the children in the State of origin. 2) The nature of the diplomatic relationship between New Zealand and the State of origin. 3) Whether there is a community of interest in NZ that can support the needs of the child available for adoption. 4) The State of origin must want to work with New Zealand and must have a fully functional Central Authority. 5) If the accredited body is required to partner with representatives in the State of origin those representatives must be accredited by their own Central Authority.

[7] In relation to authorisation of accredited bodies, *ibid.*, Chapter 4.2.

[8] In relation to authorisation criteria, *ibid.*, Chapters 2.3.4.2 and 4.2.4.

e) For how long is authorisation granted?	Authorisation to accredited bodies is non-expiring but must be renewed if that is a requirement of the overseas contracting State. Discontinuation of authorisation would be considered if practices of concern were identified or the overseas authority chose to discontinue its authorisation.
f) Please briefly describe the criteria and procedure used to determine whether authorisation will be *renewed*.	As outlined, if accredited bodies following the annual review and audit continues to meet the appropriate standards its accreditation is on-going.
7.2 Monitoring the work of your authorised national accredited bodies in other Contracting States	
a) Please briefly describe how your State ensures that authorised national accredited bodies (including their representatives, co-workers and any other staff[9] in the State of origin) are monitored / supervised by your State in relation to their work / activities *in the State of origin*.	Memoranda of understanding are developed and in place with each accredited body outlining how they will work with the NZCA. Accredited bodies approval (accreditation) is reviewed annually, including an audit of processes used to work in State of origin countries. All accredited bodies are required to regularly report to the NZCA regarding PAPs assessments and progress with all intercountry adoption cases.
b) Please briefly describe the circumstances in which the authorisation of national accredited bodies can be revoked (*i.e.*, withdrawn).	The NZCA and Te Kahui Kahu may suspend the approval of an accredited body after providing 60 days notice of its intention to revoke the approval of the accredited body and reasons for this decision. Submissions from the organisation must be considered before a final decision is made to revoke the accreditation of the body. The choice to revoke the authorisation of national accredited bodies will be dependent on the action which led to consideration of this type of sanction. The NZCA and Te Kahui Kahu may suspend the approval of an accredited body, if statutory requirements are followed and to do so would be in the public interest.

[9] For an explanation of the terminology used concerning the staff of the national accredited body working in the State of origin, *ibid.*, Chapters 6.3 and 6.4.

8. Approved (non-accredited) persons (Art. 22(2))[10]	
Is the involvement of approved (non-accredited) persons permitted in intercountry adoption procedures in your State? ***N.B.*** *see Art. 22(2) and check whether your State has made a declaration according to this provision. You can verify this on the Status Table for the 1993 Adoption Convention, available on the Adoption Section of the HCCH website.* *If your State has made a declaration according to Art. 22(2), the Permanent Bureau of the HCCH should be informed of the names and addresses of these bodies and persons (Art. 22(3)).*[11]	☐ Yes, our State has made a declaration under Article 22(2) and the involvement of approved (non-accredited) persons is possible. Please specify their role: ☒ No

PART IV: THE CHILDREN PROPOSED FOR INTERCOUNTRY ADOPTION

9. The adoptability of a child (Art. 4(a))	
Does your State have its own criteria concerning the adoptability of a child (*e.g.*, maximum age) which must be applied *in addition to* the requirements of the State of origin?	☒ Yes – please specify: A match proposal is first considered by the NZCA to confirm the child meets a basic medical assessment and would meet immigration criteria to enter New Zealand. The match is considered against the assessment of PAPs abilities to meet specific needs and against their stated expectations and preferences. ☐ No, there are no additional criteria concerning adoptability – the requirements of the State of origin are determinative.

10. The best interests of the child and subsidiarity (Art. 4(b))	
Does your State request information / evidence from the State of origin to satisfy itself that the State of origin has respected the principle of subsidiarity (*i.e.*, proof that family reunification was attempted, or that the possibility of in-country permanent family placements has been explored)?	☒ Yes – please specify: Under section 11 of the Adoption (Intercountry) Act 1997 intercountry adoption can be refused in accordance with Article 24 if the adoption does not take account of the child's best interests. Information provided in the match proposal documentation can vary regarding how much information is provided about the efforts undertaken to seek a local, domestic solution first and the application of the subsidiarity principle. ☐ No

10 *Ibid.*, Chapter 13.
11 *Ibid.*, Chapter 13.2.2.5.

11. Children with special needs	
Does your State have its own definition of the term "special needs children" which is applied in intercountry adoption cases?	☐ Yes – please provide the definition used in your State: ☒ No – the definition used in the State(s) of origin is determinative.

12. The nationality of children who are adopted intercountry[12]	
Do children who are adopted intercountry to your State acquire the nationality of your State?	☒ Yes, always. Please specify: (i) At what stage nationality is acquired by the child: This is dependent on the citizenship of the parents from the date a Convention adoption is finalised in either an overseas Court or in New Zealand; and (ii) The procedure which must be undertaken (or whether acquisition of nationality is *automatic* upon the occurrence of a particular event, *e.g.*, the making of the final adoption decision): An application must be made to DIA for citizenship for the adopted child to enable them to acquire a New Zealand passport. An Article 23 certificate of conformity with the Convention is the required evidence to enable an application to be made for a New Zealand passport for the child. ☐ It depends – please specify which factors are taken into consideration (*e.g.*, the nationality of the prospective adoptive parents ("PAPs"), whether the child loses his / her nationality of the State of origin): ☐ No, the child will never acquire this nationality.

PART V: PROSPECTIVE ADOPTIVE PARENTS ("PAPs")

13. Limits on the acceptance of files	
a) Does your State place any limit on the total number of applications for intercountry adoption which are accepted at any one time?	☐ Yes, please specify the limit applied and the basis on which it is determined: ☒ No

[12] Regarding nationality, see further the *Guide to Good Practice No 1 on the implementation and operation of the 1993 Hague Intercountry Adoption Convention* ("GGP No 1"), available on the Adoption Section of the HCCH website < www.hcch.net >, at Chapter 8.4.5.

b) Does your State allow PAPs to apply to adopt from more than one State of origin at the same time?	☐ Yes, please specify whether any limits are applied: ☒ No – PAPs may only apply to adopt from one State of origin at any one time.

14. Determination of the eligibility and suitability of PAPs wishing to undertake an intercountry adoption[13] (Art. 5(a))	
14.1 Eligibility criteria	
a) Do PAPs wishing to undertake an intercountry adoption have to fulfil any criteria in your State concerning their relationship status(es)? *Please tick any / all boxes which apply and indicate in the space provided whether any further conditions are imposed (*e.g.*, duration of marriage / partnership / relationship, cohabitation).*	☒ Yes, the following person(s) may apply in our State for an intercountry adoption: ☒ Married, heterosexual couples: PAPs would have to meet any length of marriage requirements of the State of origin. ☒ Married, same-sex couples: PAPs can only apply in countries that accept their application to adopt. ☐ Heterosexual couples in a legally registered partnership: ☐ Same-sex couples in a legally registered partnership: ☒ Heterosexual couples that have not legally formalised their relationship: PAPs can only apply in countries that accept their application to adopt. Currently all countries that New Zealand partners with require joint applicants to be married. ☒ Same-sex couples that have not legally formalised their relationship: PAPs can only apply in countries that accept their application to adopt. Currently all countries that New Zealand partners with require joint applicants to be married. ☒ Single men: Only if the PAP was applying to a country that would accept their application to adopt. ☒ Single women: Only if the PAP was applying to a country that would accept their application to adopt. ☐ Other (please specify):

[13] *I.e.*, this section refers to the eligibility criteria applied, and suitability assessment undertaken, in relation to PAPs who are habitually resident in your State and who wish to adopt a child who is habitually resident in another Contracting State to the 1993 Adoption Convention: see further Art. 2 of the Convention.

	☐ No, there are no relationship status criteria for PAPs.
b) Are there any age requirements in your State for PAPs wishing to undertake an intercountry adoption?	☒ Yes, please specify: ☒ Minimum age requirements: New Zealand has minimum age requirements for intercountry adoptions involving non-Contracting States that take place under domestic adoption legislation. ☐ Maximum age requirements: ☐ Difference in years required between the PAPs and the child: ☒ Other (please specify): PAPs will only be considered for an assessment for an intercountry adoption if they meet the age criteria that is specified by the overseas country. ☐ No
c) Are there any *other* eligibility criteria which your State requires PAPs to fulfil?	☒ Yes, please specify: ☒ Additional / differing criteria must be met for PAPs wishing to adopt a child with special needs (please specify): The assessment of applicants seeking to adopt a child identified as having special needs requires evidence of their ability to meet those needs, robust evidence of a realistic child care plan, confirmed support systems in place and have sufficient financial assests to be able to access services for the adopted child. ☐ Couples must supply evidence of infertility: ☒ For persons with children already (biological or adopted), there are additional criteria (please specify): Children in the family would need to be independently counselled in an age appropriate way as to their views of further family expansion by way of an intercountry adoption. Any person in the PAPs household over the age of 18 years must undergo a child protection and Police check ☒ Other (please specify): PAPs must have evidence they can fund the adoption and sufficient projected income to raise and educate the child until independence

	☐ No
14.2 Suitability assessment[14]	
a) Which body(ies) / expert(s) perform the assessment of whether the PAPs are suitable persons to undertake an intercountry adoption?	The NZCA undertakes the initial consideration of Police, care and protection checks, medical checks, and reference checks for applicants who are contracting an assessment from Adoption First Steps (AFS). Oranga Tamariki social workers undertake the consideration of those documents for applicants being assessed by Oranga Tamariki. Registered adoption social workers from Oranga Tamariki or the accredited assessment body, AFS, then undertake the education and assessment of the PAPs.
b) Please briefly describe the procedure which is used to assess the PAPs and determine their suitability to undertake an intercountry adoption.	Applicants must attend an education programme that has a focus on intercountry adoption. Oranga Tamariki social workers run an education programme which is conducted in person and/or online. After completing the Oranga Tamariki education programme applicants are interviewed in their home by an Oranga Tamariki social worker who undertakes an assessment against an assessment framework. The social worker then completes a report which forms the basis of an assessment by Oranga Tamariki on the eligibility and suitability of the applicant to adopt. A number of further interviews and communications occur between the applicant and the social worker during the assessment process. AFS has an online education programme and also runs a workshop after applicants have concluded the online education programme. AFS social workers travel to the applicants to meet in the applicants home.
14.3 Final approval	
Which body / person gives the final approval that the PAPs are eligible and suited to undertake an intercountry adoption?	The NZCA.
15. Preparation and counselling of PAPs (Art. 5(b))	

[14] This suitability assessment will usually form one part of the report on the PAPs (Art. 15): as to which, see GGP No 1 (*op. cit*. note 12), Chapter 7.4.3 and Question 17 below.

a) In your State, are courses provided to prepare PAPs for intercountry adoption?	☒ Yes, please specify the following: - Whether the courses are mandatory: Courses are mandatory. - At what stage of the adoption procedure they are offered: - At the beginning of the process before the applicants are assessed and additional courses are available after the applicants are approved. - Who provides the courses: - Oranga Tamariki, AFS and the National Caregiver Training, Caring Families Aotearoa (national advocacy group for approved caregivers). There are other NGO delivered parenting programmes available for PAPs to learn about positive parenting - Whether they are provided to PAPs individually or collectively (*i.e.*, in a group): - Can be both individual or group with group education being preferred. - Whether they are provided "in person" or electronically: - Oranga Tamariki provides education in person and online. AFS provides education electronically which includes a 1 day workshop in person. - How many hours the courses last: - Oranga Tamariki is three days of training prior to assessment. AFS is available electronically prior to assessment. Time taken on this will depend on the applicants motivation and time taken to complete it. - The content of the courses: Attachment, the impact of institutionalisation, child development, trauma, openness in adoption, cultural identity, adopting an older child, motivation. - Whether there are specific courses for PAPs wishing to adopt a child with special needs: - There is currently no specific training addressing adoption of children with special needs - Whether the courses are (or can be) targeted at preparing PAPs for the

	adoption of a child from specific States of origin: - Country specific courses regarding expectations and process are provided after the applicant has been assessed and approved for a specific country. ☐ No
b) Aside from any courses provided, what, if any, (other) counselling or preparation is provided to individual PAPs (*e.g.*, meeting with adoptive parents, language and culture courses)? Please specify, in each case: (i) If it is mandatory for PAPs to use the service; (ii) Who provides the service; and (iii) At what stage in the adoption procedure the service is provided.	Courses to prepare PAPs for intercountry adoption are mandatory in New Zealand. Oranga Tamariki provide courses prior to the suitability assessment process. AFS provides an online course and a workshop. The accredited bodies ICANZ and CFO also provide country specific education, support, and advice to the PAPs. The Oranga Tamariki courses are held at regular intervals (based on demand) in the region closest to where the applicants reside. Oranga Tamariki provides a series of three education days and preparation seminars with one full day focussing solely on intercountry adoption. PAPs attend the education programme with other PAPs. The education programme includes the opportunity to hear from adopted adults and adoptive parents - as well as birth parents of domestic adoptions. Oranga Tamariki applicants are appointed an Oranga Tamariki social worker that they can contact as required and who will meet with them formally to gain information for their Home Study Report about the applicant's eligibility and suitability to adopt. Many PAPs attend additional parenting courses, many also undertake basic foreign language education for the State of origin and develop and confirm their cultural awareness and familiarity.

PART VI: THE INTERCOUNTRY ADOPTION PROCEDURE

16. Applications	
c) To which authority / body should PAPs apply for an intercountry adoption?	To Oranga Tamariki-Ministry for Children or to the Accredited Body - Adoption First Steps.
d) Please indicate which documents your State requires to be included within the	☒ An application form for adoption completed by the PAPs

PAPs' file for transmission to the State of origin:[15] *Please tick all which apply.*	☒ A statement of "approval to adopt" issued by a competent authority ☒ A report on the PAPs including the "home study" and other personal assessments (see Art. 15) ☒ Copies of the PAPs' passports or other personal identification documents ☒ Copies of the PAPs' birth certificates ☐ Copies of the birth certificates of any children living with the PAPs ☒ Copies of marriage, divorce or death certificates, as applicable (please specify in which circumstances): Evidence of any change of name by statutory declaration must also be provided. ☒ Information concerning the health of the PAPs (please specify in which circumstances and what type of information is required): A Report from a medical practitioner and any specialist reports that may be required. ☒ Evidence of the financial circumstances of the family (please specify in which circumstances and what type of information is required): Evidence of home ownership, valuation of the home and assets. Income tax returns, evidence of life insurance and superannuation savings. ☒ Information concerning the employment status of the PAPs (please specify in which circumstances and what type of information is required): A letter from the employer is required. ☒ Proof of no criminal record ☒ Other(s): please explain Where required, a psychological report and Registration Certificate of the Psychologist who completed the report. Police checks on identified proposed guardian(s) for the child should the adoptive parents become unable to parent the adopted child in the future. Family consideration of possible medical needs checklists from the State of origin. References from people who know the PAPs well. Documents confirming the NZ accredited bodies current accreditation status

[15] Please remember that a specific State of origin may have other / additional requirements concerning the documentation that must be submitted to it. A list of documents required by the specific State of origin can be found in the State of origin's Country Profile.

e) Is it compulsory in your State for an accredited body to be involved in an intercountry adoption procedure?[16]	☒ Yes, please specify at which stage(s) of the procedure an accredited body must be involved (*e.g.*, for the preparation of the home study, for the submission of the adoption file to the State of origin, for all stages of the procedure): Te Kahui Kahu must approve accredited bodies under section 15 of the Adoption (Intercountry) Act 1997. PAPs must work with accredited bodies if the adoption involves a State of Origin that Oranga Tamariki does not provide placement facilitation services for and for which the accredited bodies have been authorised to act in. PAPS must be assessed as suitable by OrangaTamariki or AFS, the accredited assessment body. There is no other assessment body in New Zealand. NZCA must approve PAPs under Article 15. ☐ No. Please specify who assists PAPs if no accredited body is involved in the adoption procedure:
f) Are any *additional* documents required if PAPs apply through an accredited body? *Please tick all which apply.*	☒ Yes ☒ A power of attorney issued by the PAPs to the accredited body (*i.e.*, a written document provided by the PAPs to the accredited body in which the PAPs formally appoint the accredited body to act on their behalf in relation to the intercountry adoption): NZCA has drafted a Power of Attorney template which stipulates courts in the State of origin can not stipulate other conditions regarding payments and PPRs outside the requirements stated by the State of origin Central Authority. ☒ A contract signed by the accredited body and the PAPs: ☒ A document issued by a competent authority of the receiving State certifying that the accredited body may undertake intercountry adoptions: ☐ Other (please specify): ☐ No

[16] See GGP No 1 (*op. cit.* note 12), paras 4.2.6 and 8.6.6: "independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention.

17. The report on the PAPs (Arts 5(a) and 15(1))	
a) Which body(ies) / expert(s) prepare the report on the PAPs? Please include all those involved with the preparation of any of the documents which are included within such a report.	Registered adoption social workers employed by Oranga Tamariki and AFS.
b) Is a "standard form" used for the report on the PAPs in your State?	☐ Yes, please provide a link to the form or attach a copy: ☒ No. Please indicate whether your State has any requirements concerning the information which must be included in the report on the PAPs and / or the documentation which must be attached to it: Some countries require Home Study Reports in a standardised electronic format, e.g. India. Home Study Reports include the information that countries require in order to understand the PAPs suitability and eligibility.
c) For how long is the report on the PAPs valid in your State?	Home Study Reports are valid for two years (three years for India) unless a change in circumstances impacts the approval of the PAPs. Adoptive applicants, both domestic and intercountry, are reassessed every two years. This includes updated Police, child protection,reference and medical checks.
d) Who is responsible in your State for renewing the report on the PAPs if the period of validity expires before the intercountry adoption is completed and what is the procedure for renewal?	The NZCA or Oranga Tamariki, and the PAPs chosen assessment agency, are responsible for updating a Home Study Report. The NZCA is responsible for renewal of the Article 15 Certificate of suitability.

18. Transmission of the PAPs' file to the State of origin	
a) Who sends the finalised application file of the PAPs to the State of origin?	The NZCA or the accredited body.
b) If no accredited body is involved with the intercountry adoption application (see Question 16(c) above), who assists the PAPs with compiling and transmitting their application file?	An accredited body or Oranga Tamariki as the NZCA will always be involved. ☒ Not applicable – an accredited body will always be involved (see response to Question 16(c) above).

19. Receipt of the report on the child (Art. 16(2)) and acceptance of the match (Art. 17(a) and (b))

19.1 Receipt of the report on the child (Art. 16(2))	
Which authority / body in your State receives the report on the child from the State of origin?	The NZCA either directly or through an accredited body.
19.2 Acceptance of the match	
a) Does your State require that the matching be accepted by a competent authority in your State?	☒ Yes, please provide the following details: - Which authority determines whether to accept the match (*e.g.*, the Central Authority or another competent authority): The NZCA and - The procedure which is followed (*e.g.*, the report on the child is transmitted <u>first</u> to the competent authority to determine whether the match is accepted and only if this authority accepts the match is the report sent to the PAPs): The NZCA or the accredited body receive the Child Study Report. The NZCA makes the initial decision as to the approval of the match. **<u>Go to Question 19.2 b)</u>** ☐ No. Please explain the procedure which is followed once the authority / body referred to in Question 19.1 has received the report on the child from the State of origin: **<u>Go to Question 19.2 c)</u>**
b) Which criteria must be fulfilled for the relevant authority in your State to accept the match?	The needs of the child must be of a nature that the PAPs were assessed as able to meet in their assessment. PAPs are approved to adopt a child or children with particular needs and characteristics. The match must be in the best interests of the child but also the child's characteristics must match the expectations and abilities of the PAPs. The views of the child if they are expressed, are also considered. Where there is the requirement of the State of origin that there are to be post placement reports, a match will only be approved if the PAPs have formally acknowledged and consented to the post placement reporting to be undertaken, and that they will participate in the reporting.
c) Does your State impose any requirements on PAPs concerning the	☐ Yes, in addition to any requirements of the State of origin, our State has a time-limit – please specify: A State of Origin may

length of time they are given to decide whether to accept a match?	request that PAPs make a decision within a particular timeframe. In the interests of the child, it is important that a decision to adopt a particular child is neither hurried or delayed. Proper consideration of the match is needed. ☒ No, the requirements of the State of origin are determinative in this regard.
d) Do PAPs receive any kind of assistance from your State when deciding whether to accept a match?	☒ Yes – please specify what type of assistance is provided (*e.g.*, counselling): PAPs are encouraged to access their own specialist evaluation and advice (including psychological /paediatric) to assist and inform their decision making. If a match is declined by the NZCA, section 10 of the Adoption (Intercountry) Act 1997 requires that the PAPs receive in writing, reasons for the decline. ☐ No

20. Agreement under Article 17(c)	
a) Which competent authority / body agrees that the adoption may proceed in accordance with Article 17(c)?	The NZCA.
b) At what point in the adoption procedure is the Article 17(c) agreement given in your State?	☐ Our State waits for the State of origin to provide its agreement first **OR** ☒ Our State sends its agreement to the State of origin with a notice that the match has been accepted **OR** ☒ Other (please specify): The State of origin may be asked for its view under Article 17 in the case of relative adoptions that are initiated by PAPs rather than proposed by the Central Authority of the State of origin.

21. Travel of the PAPs to the State of origin[17]	
a) Does your State impose any travel requirements / restrictions on PAPs in addition to those imposed by the State of origin?	☐ Yes, please specify the additional requirements / restrictions: The adopting parent/s are required to travel to the child's state of origin and to travel back to New Zealand with the child/ren. ☒ No
b) Does your State permit an escort to be used to bring the child to the adoptive	☐ Yes, please specify in which circumstances:

[17] See GGP No 1 (*op. cit.* note 12), Chapter 7.4.10.

parents in your State in any circumstances?	☒ No

22. Authorisation for the child to enter and reside permanently (Arts 5(c) and 18)	
a) Please specify the procedure to obtain authorisation for the child to enter and reside permanently in your State.	If the child receives their New Zealand Passport from a New Zealand High Commisson while still overseas, their New Zealand citizenship is confirmed prior to entry to New Zealand and, as the child has already become a citizen and is a passport holder, they can enter without restriction. If the child enters New Zealand travelling on another country's passport, the child requires an entry visa from INZ. The NZCA is required to provide documentation about the PAPs and the child to the New Zealand Immigration service to enable an entry visa to be issued. The entry visa is for the child to enter New Zealand for an interim period whilst an application for a New Zealand passport or a permanent resident immigration status is made following an adoption in another Contracting State.
b) Which documents are necessary for a child to be able to enter and reside permanently in your State (*e.g.*, passport, visa)?	The child concerned must have an Article 23 Certificate of Conformity. They can then be issued with either a Permanent Resident Visa or New Zealand citizenship and passport. The child may also travel on a passport from the State of origin and be issued with a Temporary Entry Visa, to enter New Zealand - after which time they must apply for permanent residence or New Zealand citizenship.
c) Which of the documents listed in response to Question 22(b) above must be issued by your State? Please indicate which public / competent authority is responsible for issuing each document.	INZ issues the relevant immigration visa. The DIA issues citizenship documents, new birth certificates and passports.
d) Once the child has arrived in your State, what is the procedure, if any, to notify the Central Authority or accredited body of his / her arrival?	The relevant accredited body or Oranga Tamariki facilitating the placement must advise the NZCA of the child's arrival. Both Oranga Tamariki and the accredited bodies provide the NZCA with evidence of the child's New Zealand citizenship in order for the NZCA to provide this to the State of origin. Evidence of the adopted child's New Zealand citizenship or New Zealand permanent residency status is

	provided to the State of origin before the case is closed.

23. Final adoption decision and the Article 23 certificate	
a) If the final adoption decision is made in your State, which competent authority: (i) Makes the final adoption decision; and (ii) Issues the certificate under Article 23? ***N.B.*** *According to Art. 23(2), the authority responsible for issuing the Art. 23 certificate should be formally designated at the time of ratification of / accession to the 1993 Convention. The designation (or any modification to a designation) should be notified to the depositary of the Convention.* *The answer to (ii) above should therefore be available on the Status Table for the 1993 Adoption Convention (under "Authorities"), available on the Adoption Section of the HCCH website.*	(i) The NZCA approves the decision in accordance with the Convention. (ii) Where the Adoption (Intercountry) Act 1997 applies, and finalisation of the adoption takes place administratively in New Zealand, the NZCA creates the Article 23 Certificate of Conformity and the adopted child receives New Zealand citizenship by birth rather than by descent.
b) Does your State use the *"Recommended model form – Certificate of conformity of intercountry adoption"*? *See GGP No 1 – Annex 7.*	☒ Yes ☐ No
c) Please briefly describe the procedure for issuing the Article 23 certificate. *E.g.*, how long does it take to issue the certificate? Is a copy of the certificate always given to the PAPs? Is a copy sent to the Central Authority in the State of origin?	If an adoption is concluded administratively by the NZCA, the NZCA provides the original of the Article 23 Certificate to the PAPs and a copy is sent to the Central Authority in the State of origin.
d) In cases in which the Article 23 certificate is issued in the State of origin, which authority or body in your State should receive a copy of this certificate?	The NZCA and the PAPs as the PAPs must provide it to the DIA in order to provide evidence for the recognition of New Zealand citizenship for the adopted child. A copy of the Article 23 Certificate will also be provided to the accredited agency if the adoptive family have engaged one.

PART VII: INTRA-FAMILY INTERCOUNTRY ADOPTIONS

24. Procedure for the intercountry adoption of a child who is a relative of the PAPs ("intra-family intercountry adoption")

a) Please explain the circumstances in which an intercountry adoption will be classified as an "*intra-family* intercountry adoption" in your State. Please include an explanation of the degree of relationship which a child must have with PAPs to be considered a "relative" of those PAPs.	In New Zealand the definition of relative in respect to adoption is a grandparent, brother, sister, uncle or aunt. To consider a relative adoption, the child in the State of origin must have an insecurity of care or welfare concern, that cannot be addressed in the State of origin and which necesitates family reunification by way of adoption. In considering a proposal for a relative child to be adopted in accordance with the Convention, the NZCA takes into account the following factors: - the child's welfare needs, including the care being provided in the country of origin; - the child's attachment to their caregivers, family members, siblings, access to and continuity of schooling; - subsidiarity considerations (whether there are extended family members able to provide a home for the child in their country of origin); - the child's age, development and views, community and peer relationships; -cultural considerations; and - whether an intercountry adoption is in the child's best interests.
b) Does your State apply the procedures of the 1993 Adoption Convention to intra-family intercountry adoptions? ***N.B.*** *If the child and PAPs are habitually resident in* different *Contracting States to the 1993 Adoption Convention,* ***the Convention is applicable****, irrespective of the fact that the child and PAPs are related: see further GGP No 1 at para. 8.6.4.*	☒ Yes – **go to Question 25** ☐ Yes, in general, although there are some differences in the procedures for intra-family intercountry adoptions – please specify: **Go to Question 25** ☐ No – **go to Question 24 c)**
c) If your State does not apply the Convention procedures to intra-family intercountry adoptions, please explain the laws / rules / procedures which are used in relation to: (i) The counselling and preparations which PAPs must undergo in your State; (ii) The preparation of the child for the adoption; (iii) The report on the PAPs; and (iv) The report on the child.	(i) (ii) (iii) (iv)

PART VIII: SIMPLE AND FULL ADOPTION[18]

25. Simple and full adoption	
a) Is "full" adoption permitted in your State? *See GGP No 1 at Chapter 8.8.8 and note 18 below.*	☒ Yes ☐ No ☐ In certain circumstances only – please specify: ☐ Other (please explain):
b) Is "simple" adoption permitted in your State? *See GGP No 1 at Chapter 8.8.8 and note 18 below.*	☐ Yes ☒ No ☐ In certain circumstances only (*e.g.*, for intra-family adoptions only) – please specify: ☐ Other (please explain):
c) Does the law in your State permit "simple" adoptions to be converted into "full" adoptions in accordance with Article 27 of the 1993 Adoption Convention? *See Art. 27(1)(a).*	☒ Yes – please provide details of how this is undertaken and please specify whether this is done on a regular basis when a State of origin grants a "simple" adoption or only in specific cases: Under section 12 of the Adoption (Intercountry) Act 1997, the New Zealand Family Court is able to convert a simple adoption into one which has the effect of a full adoption if the country of birth of the adopter has not recognised the Article 23 Certificate of Conformity from the adopted child's State of origin. The NZCA recognises Article 23 Certificates of Conformity from other Central Authorities. ☐ No – **go to Question 26**
d) If conversion of a "simple" adoption into a "full" adoption is sought in your State following an intercountry adoption, how does your State ensure that the consents referred to in Article 4(c) and (d) of the 1993 Adoption Convention have been given in the State of origin to a "*full*" adoption (as required by Art. 27(1)(b))? *See Art. 27(1)(b) and Art. 4(c) and (d).*	In the event that a conversion is sought from the New Zealand Family Court the NZCA would provide a report for the Court on the cirumstances surrounding the granting of simple or full adoptions in that State, identifying the individuals involved and the processes undertaken in that country.
e) Following a conversion in your State, please explain which authority is responsible for issuing the Article 23 certificate in relation to the conversion	☐ The competent authority and the procedure is the same as stated in response to Question 23 above.

[18] According to the 1993 Adoption Convention, a **simple** adoption is one in which the legal parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his / her adoptive parents is established. A **full** adoption is one in which the pre-existing legal parent-child relationship is terminated. See further Arts 26 and 27 and GGP No 1 (*op. cit.* note 12), Chapter 8.8.8.

decision. Please also explain the procedure which is followed.	☒ Other (please specify): The New Zealand Family Court grants a Declaration of Conversion of the original Article 23 Certificate.

PART IX: POST-ADOPTION MATTERS

26. Preservation of, and access to, information concerning the child's origins (Art. 30) and the adoption of the child	
a) Which authority in your State is responsible for preserving information concerning the child's origins, as required by Article 30?	Oranga Tamariki and the NZCA, as well as the accredited bodies, ICANZ, CFO and AFS.
b) For how long is the information concerning the child's origins preserved?	It is archived indefinitely.
c) Does your State permit the following persons to have access to information concerning the child's origins and / or information concerning the adoption of the child: (i) the adoptee and / or his / her representative(s); (ii) the adoptive parent(s); (iii) the birth family; and / or (iv) any other person(s)? If so, are there any criteria which must be met for access to be granted (*e.g.*, age of the adopted child, consent of the birth family to the release of information concerning the child's origins, consent of the adoptive parents to the release of information concerning the adoption)? *See Art. 9(a) and (c) and Art. 30.*	(i) ☒ Yes – please explain any criteria: Adopted adults are permitted to obtain information held about themselves under the provisions of the Privacy Act 2020. Other New Zealand Government Departments hold information about the adopted person for the purposes of immigration and citizenship and an adopted person may seek release of that information under the Privacy Act 2020. ☐ No (ii) ☒ Yes – please explain any criteria: Adoptive parents are permitted to obtain information held about themselves under the provisions of the Privacy Act 2020. ☐ No (iii) ☐ Yes – please explain any criteria: ☒ No (iv) ☐ Yes – please explain any criteria: ☒ No
d) Where access to such information is provided, is any counselling or other guidance / support given in your State?	☒ Yes – please specify: Release of identifying information to an adopted person must be done by an Oranga Tamariki social worker. ☐ No

e) Once access to such information has been provided, is any *further* assistance offered to the adoptee and / or others (*e.g.*, regarding making contact with his / her biological family, tracing extended family)?	☒ Yes – please specify: Support, assistance and counselling is available for adopted people. ☐ No

27. Post-adoption reports	
a) Absent specific requirements of the State of origin in this regard, who is responsible in your State for *writing* post-adoption reports and *sending* such reports to the State of origin?	Both Oranga Tamariki and New Zealand's accredited bodies who have facilited the placement are responsible for writing the post placement reports, sending them to the State of origin and providing copies to the NZCA.
b) Absent any specific requirements of the State of origin in this regard, is there a model form which is used by your State for post-adoption reports?	☐ Yes – please specify whether use of the form is mandatory and indicate where it may be accessed *(e.g.,* provide a link or attach a copy*)*: ☒ No – in which case, please specify the content expected by *your* State in a post-adoption report (*e.g.*, medical information, information about the child's development, schooling): The PPR covers progress of the placement, the health and development of the child, the attachment of the child to the adoptive family and the parents to the child, education, behaviours and photographs. If the State of origin has a specific format and additional information requirements then this is used.
c) How does your State ensure that the requirements of the State of origin in relation to post-adoption reporting are fulfilled?	Accredited bodies and Oranga Tamariki have a signed contract with the PAPs regarding the State of origin's expectations around reporting and PAPs sign an acknowledgement and consent to PPRs at the outset. Compliance with these commitments is reliant on co-operation of the PAP's.

28. Post-adoption services and support (Art. 9(c))	
Apart from the matters raised in Question 26 above, what, if any, post-adoption services and support is / are provided by your State to the child and / or PAPs following completion of an intercountry adoption (*e.g.*, counselling, support to preserve cultural links)?	Oranga Tamariki does not have specific post adoption support services however support and assistance is available to adoptees. There are a small number of intercountry adoption support groups and country specific families meet regularly. ICANZ has an intercountry adoption magazine and CFO has a telephone support line.

In particular, please state whether any specific post-adoption services or support are provided in your State in the case of special needs children.	Specialist counselling and referral to therapists working with intercountry adoptive families is available on a limited basis and is fee for service. There are a range of general family support services available including those that can be accessed around children with disabilities. Schools can access specialist education services and support services for children who require extra support at school.

PART X: THE FINANCIAL ASPECTS OF INTERCOUNTRY ADOPTION[19]

Receiving States are also kindly requested to complete the "Tables on the costs associated with intercountry adoption", available on the Adoption Section of the HCCH website.

29. The costs[20] of intercountry adoption	
a) Are the costs of intercountry adoption regulated by law in your State?	☒ Yes – please specify any relevant legislation / regulations / rules and indicate how they may be accessed (*e.g.*, link to a website or attach a copy). Please also briefly explain the legal framework: Apart from the payment of reasonable costs and expenses to any organisation approved as a New Zealand Accredited body under Part 2 of the Adoption (Intercountry) Act 1997, all other payments regarding an adoption are prohibited. ☐ No
b) Does your State monitor the payment of the costs of intercountry adoption?	☒ Yes – please briefly describe how this monitoring is undertaken: This forms part of the annual audit of accredited bodies' operations and reporting. ☐ No
c) Are the costs of intercountry adoption which must be paid in your State paid through the accredited body involved in the particular intercountry adoption (if applicable – see Question 16 (c) above) or directly by the PAPs themselves? *See the "Note on the financial aspects of intercountry adoption" at para. 86.*	☒ Through the accredited body: In most cases the accredited body is required to pay the fees on behalf of the PAPs, to ensure there is no extra money paid, and to ensure that all the costs are paid. However, occasionally the accredited body will allow the PAPs to pay themselves. If this situation occurs the accredited body will be provided the bank transaction by the PAPs. It does cost more

19 See the tools developed by the "Experts' Group on the Financial Aspects of Intercountry Adoption", available on the Adoption Section of the HCCH website: *i.e.*, the *Terminology adopted by the Experts' Group on the financial aspects of intercountry adoption* ("Terminology"), the *Note on the financial aspects of intercountry adoption* ("Note"), the *Summary list of good practices on the financial aspects of intercountry adoption* and the *Tables on the costs associated with intercountry adoption*.

20 See the definition of "costs" provided in the harmonised Terminology, *ibid.*

	if the accredited body pays, as there are bank fees however some countries see this as safer. ☒ Directly by the PAPs: see above ☐ Other (please explain):
d) Are the costs of intercountry adoption which must be paid in your State paid in cash or only by bank transfer? *See the "Note on the financial aspects of intercountry adoption" at para. 85.*	☒ Only by bank transfer: ☐ In cash: ☒ Other (please explain): Online payments.
e) Which body / authority in your State receives the payments?	Accredited bodies for services contracted and provided to PAPs; translation services; notarial services; the Department of Internal Affairs; Immigration New Zealand; Ministry of Foreign Affairs and Trade.
f) Does your State provide PAPs (and other interested persons) with information about the costs of intercountry adoption (*e.g.*, in a brochure or on a website)? ***N.B.*** *Please also ensure that your State has completed the "Tables on the costs associated with intercountry adoption" (see above).*	☒ Yes – please indicate how this information may be accessed: It is available on accredited body websites and within the contract with the accredited bodies. ☐ No

30. Contributions, co-operation projects and donations[21]	
a) Does your State permit contributions[22] to be paid (either through your State's Central Authority or a national accredited body) to a State of origin in order to engage in intercountry adoption with that State? *For good practices relating to contributions, see the "Note on the financial aspects of intercountry adoption" at Chapter 6.*	☒ Yes – please explain: - What type of contribution is permitted by your State: A welfare fee or contribution that has been nominated and set or agreed to by the Central Authority in the State of origin. - Who is permitted to pay it (*i.e.*, the Central Authority or a national accredited body): The NZCA or its accredited bodies.

21 See the definitions of these terms provided in the harmonised Terminology. In addition, on contributions and donations, see Chapter 6 of the Note (*op. cit.* note 19).

22 See further the harmonised Terminology, *supra,* note 19, which states that there are two types of contributions: (1) contributions demanded by the State of origin, which are mandatory and meant to improve either the adoption system or the child protection system. The amount is set by the State of origin. These contributions are managed by the authorities or others appropriately authorised in the State of origin which decide how the funds will be used; (2) contributions demanded by the accredited body from PAPs. These contributions may be for particular children's institutions (*e.g.*, for maintenance costs for the child) or for the co-operation projects of the accredited body in the State of origin. The co-operation projects may be a condition of the authorisation of that body to work in the State of origin. The amount is set by the accredited body or its partners. The payment may not be a statutory obligation and accredited bodies may present the demand in terms of "highly recommended contribution", but in practice it is "mandatory" for the PAPs in the sense that their application will not proceed if the payment is not made.

	- How it is ensured that contributions do not influence or otherwise compromise the integrity of the intercountry adoption process: The welfare fee is only paid after a match is made and approved and accepted by PAPs. ☐ No
b) Does your State undertake (either through the Central Authority or national accredited bodies) co-operation projects in any States of origin?	☐ Yes - please explain: - What type of co-operation projects are permitted by your State: - Who undertakes such projects (*i.e.*, the Central Authority and / or national accredited bodies): - Whether such projects are mandatory according to the law of your State: - Whether such projects are monitored by an authority / body in your State: - How it is ensured that co-operation projects do not influence or otherwise compromise the integrity of the intercountry adoption process: ☒ No
c) If permitted in the State of origin, does your State permit PAPs or accredited bodies to make donations to orphanages, institutions or birth families in the State of origin? ***N.B. This is <u>not</u> recommended as a good practice**: see further the "Note on the financial aspects of intercountry adoption" at Chapter 6 (in particular, Chapter 6.4).*	☒ Yes – please explain: - To whom donations may be made (*e.g.*, to orphanages, other institutions and / or birth families): While it may be called a donation it can be a welfare fee set and audited by the Central Authority in the State of origin. This fee can only be paid after a match is made and it has been approved and accepted by the PAPs. No donations to any birth families are allowed. - What donations are intended to be used for: Child care and actions taken by the bodies in the State of origin to conclude the adoption. - Who is permitted to pay donations (*e.g.*, only accredited bodies or also PAPs): Accredited bodies. - At what stage of the intercountry adoption procedure donations are permitted to be paid: These may only be paid as a welfare fee and only at the time of acceptance of the child. - How it is ensured that donations do not influence or otherwise compromise the

	integrity of the intercountry adoption procedure: Any fees paid may only be what is set by the State of origin and paid by all PAPs after acceptance of a match, or if paid personally by adoptive applicants, only after finalisation of the adoption. ☐ No

31. Improper financial or other gain (Arts 8 and 32)	
a) Which authority is responsible for preventing improper financial or other gain in your State as required by the Convention?	Te Kahui Kahu, Oranga Tamariki, the NZCA and accredited bodies.
b) What measures have been taken in your State to prevent improper financial or other gain?	Accredited bodies must only pursue non-profit objectives and this criteria is audited annually with inspection made of financial records and banking statements to monitor there is no improper financial gain. This is assessed against domestic pay conditions and local service charges for similar functions, including translations, interpreting services, legal services passports, etc. Section 26 of the Adoption (Intercountry) Act 1997 prohibits payments for adoption and this is incorporated into section 25 of the Adoption Act 1955. This provision makes it unlawful to make payments in consideration of an adoption unless it is for the reasonable costs and expenses to any organisation approved as a New Zealand accredited body under Part 2 of the Adoption (Intercountry) Act 1997. These costs must be in connection with the exercise of a function delegated to that accredited body. The costs must be set out in an invoice or statement of account rendered by the accredited body which sets out details of the costs and expenses, and the services or functions to which they apply. Section 98 of the Crimes Act 1961 prohibits the sale of any person as a slave and provides a comprehensive ban on the trafficking of slaves. The Crimes Act prohibits the employment or use of any person as a slave. It is also illegal under section 98AA of the Crimes Act for a parent or guardian of a child under the age of 18 years old to deliver that child to another person for the purpose of sexual exploitation or forced labour. Section

	98D of the Crimes Act prohibits the trafficking in people by means of coercion or deception.
c) Please explain the sanctions which may be applied if Articles 8 and / or 32 are breached.	Section 27 of the Adoption Act 1955 contains penalties for payment or advertisement in contravention of the Act. Please also note response in section 6.2.c and d and 7.

PART XI: ILLICIT PRACTICES[23]

32. Response to illicit practices in general	
Please explain how your Central Authority and / or other competent authorities respond to intercountry adoption cases involving alleged or actual illicit practices.[24]	Sections 98 to 98D of the Crimes Act 1961 explicitly prohibits the sale, trafficking, and slavery of any person. A power of attorney document has been drafted to be used by New Zealand accredited bodies and Oranga Tamariki which limits the actions that foreign attorneys can take on behalf of New Zealand PAPs in order that no additional costs and conditions in respect of PPRs over and above those set by the Central Authority can be ordered by a Court in order to secure an adoption.

33. The abduction, sale of and traffic in children	
a) Please indicate which laws in your State seek to prevent the abduction, sale of and traffic in children in the context of your intercountry adoption programmes. Please also specify which bodies / persons the laws target (*e.g.*, accredited bodies (national or foreign), PAPs, directors of children's institutions).	New Zealand has signed the United Nations Convention on the Rights of the Child Optional Protocol on the sale of children, child prostitution and child pornography. Please note reference to the Crimes Act 1961 in Q32 and Adoption Act 1955 and Adoption (Intercountry) Act 1997 in Q31(b). In 2011, New Zealand amended its Adoption Act 1955 creating an offence to improperly induce consent for the adoption of a child. This amendment extended jurisdiction extraterritorially in respect of this offence. The New Zealand Custom Service Child Exploitation Team and the New Zealand Police

23 "Illicit practices" in this Country Profile refers to "situations where a child has been adopted without respect for the rights of the child or for the safeguards of the Hague Convention. Such situations may arise where an individual or body has, directly or indirectly, misrepresented information to the biological parents, falsified documents about the child's origins, engaged in the abduction, sale or trafficking of a child for the purpose of intercountry adoption, or otherwise used fraudulent methods to facilitate an adoption, regardless of the benefit obtained (financial gain or other)" (from p. 1 of the *Discussion Paper: Co-operation between Central Authorities to develop a common approach to preventing and addressing illicit practices in intercountry adoption cases,* available on the Adoption Section of the HCCH website < www.hcch.net >).

24 *Ibid.*

	are members of the Virtual Global Task Force to protect children. New Zealand has a National Plan of Action to Prevent Trafficking in People. Oranga Tamariki has created a dedicated team that works to prevent child exploitation.
b) Please explain how your State monitors respect for the above laws.	New Zealand has effective interagency cooperation in respect to the issue of irregular movement of children across borders. New Zealand has regular across collaboration and information sharing regarding this issue. New Zealand has a National Plan of Action to Prevent Trafficking in People.
c) If these laws are breached, what sanctions may be applied? (*e.g.*, imprisonment, fine, withdrawal of accreditation.)	Various sanctions may be applied depending on the offence. These include imprisonment and a fine.

34. Private and / or independent adoptions	
Are private and / or independent adoptions permitted in your State? ***N.B.*** *"Independent" and "private" adoptions are <u>not</u> consistent with the system of safeguards established under the 1993 Adoption Convention: see further GGP No 1 at Chapters 4.2.6 and 8.6.6.* *Please tick all which apply.*	☒ Private adoptions are permitted – please explain how this term is defined in your State: It is legal in New Zealand to make a direct application to the New Zealand Family Court in respect of an adoption where the consenting birth parents have had no involvement with competent authorities to undertake the roles espoused in article 4 of the Convention. If such adoption applications occur, a report from an Oranga Tamariki social worker is requested by the New Zealand Family Court. There are domestic restrictions on having a child in the home for the purpose of an adoption without an Oranga Tamariki social worker's Certificate of approval. This approval would only be issued if the PAPs were deemed to be fit and proper and the adoption is in the child's best interests. ☒ Independent adoptions are permitted - please explain how this term is defined in your State: An independently arranged adoption is one where Oranga Tamariki has not facilitated the placement of the child but where the parties have made their own arrangement. Such a proposal must be assessed by an

	Oranga Tamariki social worker, who is required to report to the court. There are no institutions in New Zealand having the care of children where adoptive applicants could negotiate directly to adopt children. ☐ Neither private nor independent adoptions are permitted.

PART XII: INTERNATIONAL MOBILITY

35. The scope of the 1993 Adoption Convention (Art. 2)	
a) If foreign national PAPs, habitually resident in your State, wish to adopt a child habitually resident in another Contracting State to the 1993 Adoption Convention, are they permitted to do so under the law of your State? *Example: Indian PAPs are habitually resident in the USA and wish to adopt a child habitually resident in India.*	☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[25] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: People who are living in New Zealand with a permanent resident immigration status may make an application to the NZCA for an intercountry adoption application to contracting States with which New Zealand has a programme. They may also make application to adopt relatives from either a contracting or non contracting State if the child has a genuine welfare issue or insecurity of care and is in need of an adoption. Any adoption of a child from a contracting State, whether a relative or not, would have to comply with the Hague Convention. A domestic adoption in that State would not be expected to be recognised and the child would be unable to enter New Zealand. ☐ No
b) If foreign national PAPs, habitually resident in your State, wish to adopt a child also habitually resident in your State, are they permitted to do so under the law of your State? *Example: Indian PAPs are habitually resident in the USA and wish to adopt a child also habitually resident in the USA.*	☒ Yes – please explain whether this would be treated as an *intercountry* or *domestic* adoption in your State[26] and please briefly explain the procedure which would be followed, as well as any specific criteria / conditions which would apply: People who are living in New Zealand with a permanent resident immigration status can make application to Oranga Tamariki to

[25] According to the 1993 Adoption Convention (see Art. 2), this is an *intercountry* adoption due to the differing habitual residences of the PAPs and the child. The Convention procedures, standards and safeguards should therefore be applied to such adoptions: see further, GGP No 1 (*op. cit.* note 12), Chapter 8.4.

[26] According to the 1993 Adoption Convention (see Art. 2), this is a *domestic* adoption due to the fact that the habitual residence of the PAPs and the child is in the same Contracting State: see further, GGP No 1 (*op. cit.* note 12), Chapter 8.4.

	undertake a domestic adoption application and apply to be approved to be on a list of approved domestic adopters. As open adoption is a feature in New Zealand in domestic adoptions, only foreigners who have settled permanently in New Zealand, and have the required immigration status, would likely be chosen by birth parents to parent a child by adoption that they were relinquishing. One reason for this is in order that on going contact could be facilitated for the benefit of the adopted child. ☐ No
c) If a State of origin treats an adoption by PAPs habitually resident in your State as a *domestic* adoption when, in fact, it should be processed as an intercountry adoption under the 1993 Adoption Convention, how does your State deal with this situation? *Example: PAPs who are nationals of State X habitually reside in your State. They wish to adopt a child from State X. Due to their nationality, the PAPs are able to adopt a child in State X in a domestic adoption procedure (in breach of the Convention). They then seek to bring the child back to your State.*	The domestic adoption would not be expected to be recognised for entry or citizenship purposes for the adopted child, and a retrospective application under the Convention must be made with the Convention retrospectively applied. There are some situations where DIA recognises adoption orders made offshore and grants New Zealand citizenship by descent to adoptive parents who hold dual citizenship and who are deemed to meet the criteria of section 17 of the New Zealand Adoption Act 1955. However, this would not apply where the adoption is made in another contracting State and the Convention process has not been followed. This area is subject to the current review of New Zealand's adoption legislation that is being undertaken.

PART XIII: SELECTION OF PARTNERS FOR INTERCOUNTRY ADOPTION[27]

36. Selection of partners	
a) With which States of origin does your State currently partner on intercountry adoption?	Chile, Hong Kong, India, Lithuania, The Philippines and Thailand.
b) How does your State determine with which States of origin it will partner? In particular, please specify whether your State only partners with other *Contracting States* to the 1993 Adoption Convention. *To see which States are Contracting States to the 1993 Adoption Convention, please refer to the Status Table for the Convention (accessible via*	New Zealand would only seek partnerships with other contracting States.

[27] In relation to the choice of foreign States as partners in intercountry adoption arrangements, see further GGP No 2 (*op. cit.* note 3), Chapter 3.5.

the Adoption Section of the HCCH website < www.hcch.net >).	
c) If your State also partners with *non*-Contracting States, please explain how it is ensured that the safeguards of the 1993 Adoption Convention are complied with in these cases.[28]	This is not an issue for New Zealand at this time but if for some reason there was a need for New Zealand to partner with a non-contracting State, there would be a requirement for a formal agreement that ensured requirements of the Convention were met. ☐ Not applicable: our State only partners with other *Contracting* States to the 1993 Adoption Convention.
d) Are any formalities required in order to commence intercountry adoptions with a particular State of origin (*e.g.*, the conclusion of a formal agreement[29] with that State of origin)?	☒ Yes – please explain the content of any agreements or other formalities:[30] A formal approach to the State of origin Central Authority would have to take place and agreement reached to become partners using the existing platform of the Convention as the basis of any programme being agreed. ☐ No

[28] See GGP No 1 (*op. cit.* note 12), Chapter 10.3 regarding the fact that "[i]t is generally accepted that States Party to the Convention should extend the application of its principles to non-Convention adoptions".

[29] See note 2 above concerning Art. 39(2) and the requirement to transmit a copy of any such agreements to the depositary for the 1993 Adoption Convention.

[30] *Ibid.*