

QUESTIONNAIRE ON THE PRACTICAL OPERATION OF THE 1993 ADOPTION CONVENTION  
Prel. Doc. 3 of February 2020 for the Special Commission meeting in 2021

<b>Name of State:</b>	New Zealand
<b>Information for follow-up purposes</b>	
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1. POST-ADOPTION MATTERS

1.1. Preservation of, and access to, information

Both States of origin and receiving States

1.1.1. Preservation of information and use of data

1.	<p>Has your State <b>centralised</b>, in a public facility, information concerning the child's origins and the adoption of the child?</p> <p><input checked="" type="checkbox"/> Yes. Please specify where the information is centralised:</p> <p>Oranga Tamarik has an electronic case recording system which captures informtion about parties to adoptions. Hard copy adoption information which is retrievable, is archived in a national storage facility. Records held by New Zealand Accredited bodies are both stored electronically by them and hard copy files are forwarded to Oranga Tamariki to be archived when the file is closed. Oranga Tamariki, being the New Zealand Central Authority, file the accredited bodies records along with Oranga Tamariki archived records. The records are not available publicly but may be retrieved through Oranga Tamariki according to individual entitlements, as specified in the applicable Law.</p> <p><input type="checkbox"/> No. Please specify where the information is stored:</p> <p>Online electronically and for hard copies of information in a Government authorised archiving service.</p>
2.	<p>Has your State encountered situations where personal data obtained during the intercountry adoption process has been <b>misused</b> (see Art. 31 of the Convention)?</p> <p><input type="checkbox"/> Yes. Please provide details of the types of situations your State encountered and the action(s) taken in response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

1.1.2. Search for origins

3.	<p>Is there a <b>specialised programme</b> or <b>section</b> in the <b>Central Authority</b> which deals with the search for the origins of an adoptee?</p> <p><input checked="" type="checkbox"/> Yes. Please provide its name and explain the services provided:</p> <p>The New Zealand Central Authority, within Oranga Tamariki, would receive inquiries from parties to past adoptions seeking personal information and would refer inquirers to the Adoption Service, within Oranga Tamariki, to retrieve records and provide information. The New Zealand Central Authority may also refer the adopted person to a New Zealand Accredited body if it had played a role in facilitating the intercountry adoption assessment or placement.</p> <p><input type="checkbox"/> No. Please specify how the search for the origins is handled:</p>
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	Please insert text here
4.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 21</b><sup>1</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Since 1985 New Zealand has had legislation which enables identifying information to be obtained by adopted people and their birthparents. Uptake of this entitlement has been significant and sustained over time. Specialist adoption social workers are required through the Adult Adoption Information Act 1985 to provide the personal information contained in the original birth certificate to the adopted person or locate the adopted person in order to ascertain their willingness to share identifying information with their birthparents. Considerable expertise has been developed by adoption social workers in New Zealand with this work in counselling, assisting with searching for parties of past adoptions and preparing parties regarding their expectations and possible outcomes. During education and preparation of adoptive applicants in New Zealand open adoption is discussed, as most domestic adoptions are open from the outset with parties meeting each other and developing a plan for on-going contact for the benefit of the adopted child. The experience of past closed adoptions and the need for an adopted person to understand their identity, origins and how an intercountry adoption came about is impressed upon intercountry adoptive applicants.</p> <p><input type="checkbox"/> No. Please specify any reasons:</p> <p>Please insert text here</p>
5.	<p>If your State allows for the use of <b>DNA testing</b> to search for origins, please specify:</p> <p>(a) <b>which body</b> is in charge of the DNA testing (e.g., government, private companies, NGOs);  Government agencies in New Zealand in need of DNA services are required to use designated and approved DNA testing bodies.</p> <p>(b) where the <b>data</b> is stored, and whether it is stored by a public or private entity;  The results of DNA testing would be kept on the personal file of the individual created by the New Zealand Government agency requiring the test.</p> <p>(c) the average <b>cost</b> of a DNA test in your State and whether any subsidy is available;  NZ\$650. There is no state subsidy.</p> <p>(d) details of any <b>challenges</b> and / or <b>good practices</b> your State may have developed with respect to the issues identified in this question and DNA testing in general.  Some adoptive parents have privately engaged DNA testing to confirm relationships with birth families of their intercountry adopted children. Oranga Tamariki has arranged for DNA testing to confirm familial relationships in relative intercountry adoption applications before the New Zealand Family Court for children and young people living in fragile states where there is limited documentation confirming the identity of the children who are subject of an intercountry adoption proposal.</p>
6.	<p>What is your State's practice when the background information of an adoption is <b>incomplete or non-existent</b>? How does your State support adoptees in such situations?</p>

<sup>1</sup> [“Conclusions and Recommendations adopted by the Fourth Meeting of the Special Commission on the practical operation of the 1993 Hague Intercountry Adoption Convention \(8-12 June 2015\)”](#), C&R No 21 (hereinafter, “C&R of the 2015 SC”):

“The SC recommended that the possibility of a child searching for his or her origins be **included** in the **counselling and preparation** of the prospective adoptive parents. When an adopted child or an adult adoptee undertakes such a search, **professional support** at all stages is recommended” [emphasis added].

	<p>Oranga Tamariki advises prospective adoptive applicants in advance of an intercountry adoption both that there may be very limited or incomplete information from the child's country of origin and in some cases it will not be available until the child turns 18 years of age. Prospective adoptive applicants need to be advised to support their adopted child where their history and birth story is unknown. Adopted people are supported to approach the Central Authority from their country of origin in a search for identifying information.</p>
7.	<p>What is the procedure in your State when <b>illicit practices</b> are discovered during a search for origins? Please provide details of any challenges and / or good practices.</p> <p>Please insert text here</p>
8.	<p>If <b>statistics</b> are available in your State regarding the number of adoptees who are searching / have searched for their origins, please specify:</p> <p>(a) how many of these searches were <b>successful</b> (e.g., the adoptee found his birth family);</p> <p>Data is not collected regarding the number of adopted people searching for birth families as this is usually a personal effort so there is no accurate information in New Zealand about the success of searches.</p> <p>(b) how many were <b>not successful</b> and what were the reasons.</p> <p>Please insert text here</p>
9.	<p>Has your State encountered any challenges with regard to access to information due to the <b>confidentiality</b> of the <b>identity of the birth parents</b>?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the challenges and how your State addressed them:</p> <p>In cases where children were abandoned there is often no information available to ascertain the identity of the birthparents.</p> <p><input type="checkbox"/> No.</p>
10.	<p>Does your State make a distinction between the disclosure of <b>identifying</b> versus <b>non-identifying</b> information?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:</p> <p>Adopted people are entitled to all the information that is held about their adoption identifying their origins.</p>
11.	<p>What is the procedure in your State for processing requests from the <b>birth family</b> to receive information concerning the adoption of their child? Does your State have a specific programme / database to handle such requests?</p> <p>The Adult Adoption Information Act 1985 in New Zealand requires Oranga Tamariki to search and locate domestically adopted people to ask if they wish to have their identifying information provided to birth parents who have made an inquiry about them. The New Zealand Central Authority has not had the experience of intercountry adopted people's birth parents making an inquiry about them and seeking identifying information.</p>

### 1.1.3. Guidelines and good practices

12.	<p>Has your State developed any <b>guidelines</b> (e.g., procedures, manuals) and / or <b>good practices</b> regarding preservation of information and search for origins?</p> <p><input checked="" type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p>
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Oranga Tamariki has guidance for adoption social work practitioners in the area of search and reunion and information available for adopted people about searching and meeting their birth parents.

No.

## 1.2. Post-adoption services<sup>2</sup>

### Both States of origin and receiving States

13.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 18</b><sup>3</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:          New Zealand has the Adult Adoption Information Act 1985 which entitles adopted people and their birth parents, by agreement, to identifying information about each other.</p> <p><input type="checkbox"/> No. Please specify any reasons:          Please insert text here</p>
14.	<p>If your State provides <b>specialised</b> post-adoption services, please specify:</p> <p>(a) the <b>type</b> of services provided and <b>to whom</b> they are provided (<i>e.g.</i>, child and adult adoptees, birth families, adoptive families);          General support services are available to all New Zealanders. Apart from the work carried out by Oranga Tamariki and the Accredited agencies, New Zealand does not have specialised post adoption support services. Adoption law reform is pending in New Zealand and consideration of specialised post adoption support services will be canvassed through the course of these reforms.</p> <p>(b) <b>who</b> provides the services (<i>e.g.</i>, social welfare administration, school, health personnel);          Social welfare, education and health services are all involved with supporting intercountry adoptive families.</p> <p>(c) whether the <b>professionals</b> involved in the post-adoption services are the same as those involved in the preparation of the prospective adoptive parents (PAPs);          In some instances the professionals involved in post adoption services had been involved in the preparation of prospective adoption applicants.</p> <p>(d) how, if there are different services, these various services are <b>coordinated</b>;          The extent of co-ordination is dependent on the needs of the individuals involved. The presence of multiple needs is more likely to be met with a multi-agency co-ordinated response.</p> <p>(e) how the post-adoption services are <b>financed</b> (<i>e.g.</i>, the government funds its own services, the government funds Adoption Accredited Bodies (AAB) services, adoptees and their families pay for the services themselves, other);          Professional therapeutic services beyond what is publically available for all New Zealand citizens and permanent residents are funded by individuals or families.</p> <p>(f) the <b>length of time</b> this support is available.</p>

<sup>2</sup> Post-adoption services may be provided to adoptees, birth families and adoptive families.

<sup>3</sup> C&R No 18 of the 2015 SC:

“The SC recognised that post-adoption services are essential and should take into account the **lifelong nature** of adoption. States are encouraged to develop **specialised post-adoption services**, in addition to the general services already in place” [emphasis added].

	<a href="#">This is dependent on the level of need.</a>
15.	Please provide details of any <b>good practices</b> in your State which ensure that adoptees, adoptive families and birth families are adequately <b>informed</b> about, and can easily <b>access</b> , post-adoption services. <a href="#">Please insert text here</a>
16.	In setting up post-adoption services in your State, were the <b>voices of adoptees</b> considered? <input type="checkbox"/> Yes. Please specify in what way their voices were considered: <a href="#">Please insert text here</a> <input type="checkbox"/> No.
17.	Has <b>research</b> been carried out in your State in the past five years assessing post-adoption services? <input type="checkbox"/> Yes. Please provide a link or attach a copy with your response: <a href="#">Please insert text here</a> <input checked="" type="checkbox"/> No.

Receiving States only

18.	Please specify any <b>challenges</b> your State encounters in ensuring that <b>adequate support</b> is in place for adoptees and the adoptive family following an intercountry adoption, including where parents have adopted a child with <b>special needs</b> . Please also share any <b>good practices</b> your State has developed to overcome such challenges. <sup>4</sup> <a href="#">Currently in New Zealand intercountry adoptive parents may access State funded services for their children, as can all families in New Zealand. A range of publically funded services are available. The assesment of prospective adoptive parents considers the availability of sufficient financial resources they have to be able to fund professional interventions and support for intercountry adopted children with needs beyond what is available publically.</a>
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**1.3. Post-adoption reports**Receiving States only

19.	Does the <b>preparation</b> of PAPs in your State include the provision of information on post-adoption report <b>requirements</b> of the State where the PAPs (would like to) adopt? <input checked="" type="checkbox"/> Yes. Please explain your response: <a href="#">When prospective adoptive parents receive education about intercountry adoption they are advised of post placement reporting expectations of countries of origin. When assessments as to their eligibility and suitability to adopt from a specific country are completed, they are required to formally acknowledge and consent to their acceptance of the particular country's post placement reporting requirements.</a> <input type="checkbox"/> No. Please specify when and how PAPs are otherwise informed: <a href="#">Please insert text here</a>
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Both States of origin and receiving States

<sup>4</sup> If applicable, you may wish to refer to your State's response to Question 17 of "[Prel. Doc. No 2 of October 2014 - Questionnaire No 2 on the practical operation of the 1993 Hague Intercountry Adoption Convention](#)" (hereinafter "[2014 Questionnaire](#)").

20.	<p>Has your State encountered situations where the <b>adopted child refused or objected to the obligation to comply with the post-adoption report requirements?</b></p> <p><input type="checkbox"/> Yes. Please specify the types of situations and what action your State has taken to address this type of situation:</p> <p>In the main it is the adopted parents who provide the information for post placement report writers coupled with, possibly limited, observations of the family by the report writer, who may or may not consider input from the adopted child. New Zealand has had little experience of adoptive parents objecting or refusing their formally agreed to obligations for post placement reporting and none from adopted children. However, when families move away and do not advise or do not organise continued reporting arrangements follow up can be difficult.</p> <p><input checked="" type="checkbox"/> No.</p>
21.	<p>What has been your State's recent <b>experience</b> regarding post-adoption reports? Please provide details of any challenges and / or good practices in this regard.</p> <p>It is only with hindsight, when intercountry adoptions disrupt, that consideration of past post placement reports might indicate that earlier reporting minimised difficulties experienced and responses that were implemented. Post placement reports are legally available to adopted people in New Zealand. Intercountry adoption post placement reports have yet to be sought by sufficient numbers of adopted people to be able to indicate if the reported experience was how they felt they experienced it.</p>

#### 1.4. Adoption breakdowns

##### Both States of origin and receiving States

22.	<p>If your State has had any experience regarding <b>intercountry adoptions which have broken down</b>, please specify:<sup>5</sup></p> <p>(a) what have been the main <b>causes</b> of the breakdowns;<sup>6</sup></p> <p>Sometimes adoptive parents are unable to sustain the nature of the therapeutic interventions that are required to manage disturbed and extreme behaviours exhibited by their adopted children. Sometimes despite education and preparation and assessment by social workers adoptive parents do not have the flexibility and resilience required to meet the special emotional and behavioural needs of their adopted child nor to form an attachment with their adopted child.</p> <p>(b) how your State <b>has addressed</b> these situations and whether your State has any good practices to share in this regard;<sup>7</sup></p> <p>On one occasion, following an intercountry adoption early disruption, the New Zealand Central Authority initiated a reflective case discussion with the agencies involved in the assessment of the applicants, facilitation of the placement and the post adoption reporting, and the State care and protection service to consider indicators and learn from factors identified in the disruption.</p> <p>(c) what <b>support</b> is available for the adoptee and the adoptive family to prevent and / or respond to the breakdown of intercountry adoptions;</p>
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<sup>5</sup> If the Central Authority in your State is not informed about this information because it relates to a child protection measure which is a different department / institution than the Central Authority, we would be grateful if you could request this information from the relevant authorities in your State.

<sup>6</sup> If applicable, you may wish to refer to your State's response to Question 18(a) of the [2014 Questionnaire](#).

<sup>7</sup> If applicable, you may wish to refer to your State's response to Question 18(b) of the [2014 Questionnaire](#).

Please insert text here

(d) whether your State has developed any good practices to ensure that **Recommendation No 19<sup>8</sup>** of the 2015 Special Commission is implemented:

Yes. Please specify any good practices developed in this regard:

Please insert text here

No. Please specify any reasons:

Please insert text here

(e) whether your State has experienced breakdown cases in which it was determined that it was in the child's best interests to **return** to the State of origin, and if so, what the situations were and how they were handled;

New Zealand has experienced the return of children to their country of origin when the intercountry adoption has disrupted but these occasions were relative intercountry adoptions and the child returned to family members in the country of origin.

(f) **how many** cases of breakdown in intercountry adoptions have been reported in your State between 2015 and the present date;

There is no precise data relating to Intercountry adoption disruptions as the New Zealand Central Authority is not made aware of all disruptions, however anecdotally at least six disruptions have been known to occur in the last five years.

(g) how many of these cases included a **new placement** (e.g., foster care, new adoption) for the child;

One adoption disruption resulted in a domestic re-adoption and others have resulted in the adopted child coming into State care.

(h) how many cases of breakdowns were intercountry adoptions done (a) under the **1993 Adoption Convention** ; and (b) outside of the Convention (i.e., prior to the entry into force of the Convention in your State or with non-State Party);

Of the known six adoption disruptions five were Hague Convention adoptions. The number of disrupted intercountry adoptions that were undertaken overseas and recognised in New Zealand under domestic adoption legislation is not known with complete accuracy as Oranga Tamariki is not involved in these adoptions and has no record of them. Oranga Tamariki may come to know of these, mostly relative adoptions, through care and protection presentation.

(i) in line with **Recommendation No 20<sup>9</sup>** of the 2015 Special Commission, whether your State has applied the **1996 Child Protection Convention** to enhance cooperation between States of origin and receiving States in cases of breakdown, and if so, please explain.

New Zealand is yet to ratify the 1996 Child Protection Convention.

#### Receiving States only

<sup>8</sup> C&R No 19 of the 2015 SC:

"The SC recognised that appropriate evaluations, preparation, reports, matching and post-adoption support, in relation to both the child and prospective adoptive parents, will reduce the risk of the breakdown of intercountry adoptions."

<sup>9</sup> C&R No 20 of the 2015 SC:

"The SC encouraged States to consider ratification of, or accession to, the *Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children* (hereinafter, "the 1996 Hague Convention") in view of its relevance in enhancing cooperation to protect children in many different situations, including following the breakdown of intercountry adoptions."



23.	<p>Is your State's <b>Central Authority</b> informed and involved / consulted when an intercountry adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>When an intercountry adoption disrupts, and a child comes in to care, Oranga Tamariki care and protection social workers frequently consult with adoption social workers. The New Zealand Central Authority assists with providing information from the child's country of origin, from the original child study report, about the child's background to assist with resolution of the case.</p> <p><input type="checkbox"/> No. Please specify whether the staff of the child protection services include workers specialised in adoption:</p> <p>Please insert text here</p>
24.	<p>Do your State's authorities <b>consult</b> with the Central Authority of the child's <b>State of origin</b>:</p> <p>(a) if an adoption breaks down?</p> <p><input checked="" type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p>It is dependent on the duration of the adoption prior to its disruption whether the New Zealand Central Authority consults with the state of origin. If the Hague adoption hasn't been finalised then consultation with the state of origin would occur with a view to jointly agreeing any long term placement decisions.</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p>See 24 A</p> <p><input type="checkbox"/> No.</p>

States of origin only

25.	<p>Is your State's <b>Central Authority</b> (or other competent authority) informed or involved / consulted by the competent authorities of the child's receiving State:</p> <p>(a) if an adoption breaks down?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p>Please insert text here</p> <p><input type="checkbox"/> No.</p> <p>(b) before determining a new placement for the child?</p> <p><input type="checkbox"/> Yes. Please describe the type of cooperation:</p> <p>Please insert text here</p> <p><input type="checkbox"/> No.</p>
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**1.5. Other post-adoption matters**

States of origin only

26.	<p>Are adoptees, who did not retain the <b>nationality</b> of their State of origin, permitted to <b>regain</b> it at a later stage?</p> <p><input type="checkbox"/> Yes. Please specify the conditions to regain nationality:</p>
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	<p>Please insert text here</p> <p><input type="checkbox"/> No. Please explain your response:</p> <p>Please insert text here</p>
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Both States of origin and receiving States

27.	<p>Has your State encountered situations where adoptees have sought to regain the <b>nationality</b> of their State of origin?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:</p> <p>Russian adopted children are supported to retain/regain their Russian passports, through accessing historic records, in order to be able to return to Russia should they wish to.</p> <p><input type="checkbox"/> No.</p>
28.	<p>Please give the reasons, if any, why your State would or would not support the development of a <b>Guide to Good Practice</b> on post-adoption.</p> <p>The New Zealand Central Authority would support the development of a guide to good practice on post adoption search and reunion.</p>

## 2. PREVENTING AND ADDRESSING ILLICIT PRACTICES

Both States of origin and receiving States

29.	<p>Have <b>illicit practices</b> in intercountry adoption been <b>discovered</b> since 2015 in your State?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>type</b> of illicit practices which were discovered;</p> <p>Please insert text here</p> <p>(b) <b>when</b> the illicit practices were discovered (<i>i.e.</i>, during or after the adoption procedure);</p> <p>Please insert text here</p> <p>(c) whether the illicit practices were done under or outside the <b>scope</b> of the 1993 Adoption Convention;</p> <p>Please insert text here</p> <p>(d) how your State <b>handled</b> these situations;</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
30.	<p>Please specify any <b>good practices</b> of your State to prevent and address illicit practices.</p> <p>Please insert text here</p>
31.	<p>Is it possible in your State to <b>annul</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has jurisdiction to do so;</p> <p>Please insert text here</p> <p>(b) <b>who</b> can request the annulment (<i>e.g.</i>, adoptee, adoptive parents, birth parents);</p> <p>Please insert text here</p> <p>(c) the <b>grounds</b> upon which this may be done;</p>

	<p>Please insert text here</p> <p>(d) whether there is an <b>age limit</b> for the annulment of an adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average annulled per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
32.	<p>Is it possible in your State to <b>revoke</b> an intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) the <b>authority</b> which has the jurisdiction to do so; Please insert text here</p> <p>(b) <b>who</b> can request the revocation (<i>e.g.</i>, adoptee, adoptive parents, birth parents); Please insert text here</p> <p>(c) the <b>grounds</b> upon which this is done; Please insert text here</p> <p>(d) whether there is an <b>age limit</b> for the revocation of the adoption; Please insert text here</p> <p>(e) the <b>procedure</b> involved; Please insert text here</p> <p>(f) the <b>number of</b> intercountry adoptions which are on average revoked per year. Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>

### 3. INTRAFAMILY ADOPTIONS

*In this Questionnaire, an "intrafamily adoption" is one in which the adoptive parent(s) are either **relatives** of the child (e.g., an aunt, a grandparent, a cousin) or a **stepparent** of the child. These adoptions are respectively referred to as "relative adoptions" and "stepparent adoptions." The Convention applies to all intrafamily adoptions.<sup>10</sup>*

#### 3.1. General questions for intrafamily adoptions (*i.e.*, relative and stepparent adoptions)

##### Both States of origin and receiving States

33.	<p>In your State, which <b>authority</b> is in charge of intrafamily adoptions?</p> <p><input checked="" type="checkbox"/> The <b>Central Authority</b>.</p> <p><input checked="" type="checkbox"/> <b>Another competent authority</b>. Please specify which authority and the reasons for designating a different authority:</p>
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<sup>10</sup> See Permanent Bureau of the Hague Conference on Private International Law, [Guide to Good Practice No 1: The Implementation and Operation of the 1993 Hague Intercountry Adoption Convention](#), Bristol, Family Law (Jordan Publishing Limited), 2008 (hereinafter, "[Guide to Good Practice No 1](#)"), sections 8.6.4 and 8.6.5.

	<p>The New Zealand Central Authority has a role in overseeing some but not all intrafamilial intercountry adoptions. New Zealand domestic adoption and citizenship legislation allows for the recognition of adoptions undertaken in some non-contracting states that have adoption legislation which is compatible with section 17 of the Adoption Act 1955. This entitles the adopted child to New Zealand citizenship by descent. These are generally intrafamily adoptions. The Department of Internal Affairs is the competent authority that grants citizenship to the child adopted by a New Zealander in certain non-contracting states.</p>
34.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 32</b><sup>11</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>New Zealand has developed a preliminary analysis template for adoption social workers to complete when Oranga Tamariki is approached with an intrafamily intercountry adoption proposal relating to a child in a contracting state. This is used to indicate to prospective relative adopters, in advance of seeking confirmation of the adoptability of the child from the state of origin, the initial view the New Zealand Central Authority has on the information provided by the prospective adopters of its consideration of possible support for a Convention adoption to proceed.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
35.	<p>Are there specific <b>guidelines</b> or <b>procedures</b> for intrafamily adoptions in your State?</p> <p><input type="checkbox"/> Yes. Please provide a link or attach a copy with your response:</p> <p>When there is a proposal presented by applicants wishing to adopt a relative child in another contracting state a formal preliminary analysis is undertaken as to the likelihood of support for the proposal.</p> <p><input type="checkbox"/> No.</p>
36.	<p>Has your State encountered any particular <b>difficulties with adoptability</b> decisions in the context of <b>intrafamily</b> adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations and how they were handled:<sup>12</sup></p> <p>There are occasions where the New Zealand Central Authority does not agree with the state of origin determination of the child's adoptability. The New Zealand Central Authority reserves the right to decline an adoption proceeding under Article 17.</p> <p><input type="checkbox"/> No.</p>

<sup>11</sup> C&R No 32 of the 2015 SC:

"In relation to in-family adoption, the SC:

- a. recalled that in-family adoptions **fall within the scope** of the Convention;
- b. recalled the need to respect the **safeguards** of the Convention, in particular to **counsel** and **prepare** the prospective adoptive parents;
- c. recognised that the **matching** process might be **adapted** to the specific features of infamily adoptions;
- d. recommended that the **motivations** of all parties should be **examined** to determine whether the child is genuinely **in need of adoption**;
- e. recognised that it is necessary to undertake an **individualised assessment of each child's situation** and it should **not** be **automatically assumed** that either an in-country or infamily placement is in a child's best interests" [emphasis added].

<sup>12</sup> If applicable, you may wish to refer to your State's response to Question 3(b) of the [2014 Questionnaire](#).

37.	<p>In your State, does the <b>termination</b> of the <b>pre-existing legal relationship</b> affect only the child and his or her mother and father, or does it also affect the other members of the family (see Art. 26(1)(c) of the Convention)?</p> <p><input type="checkbox"/> It only affects the child and his or her mother and father.</p> <p><input checked="" type="checkbox"/> It affects the child and his or her mother and father, but also the other members of the family.</p> <p><input type="checkbox"/> Other. Please explain your response:  <a href="#">Please insert text here</a></p>
38.	<p>Has your State encountered cases of <b>breakdown</b> in intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes. Please provide information on (a) the number of breakdowns; (b) the causes of the breakdowns; and (c) the ways your State addresses(ed) them:</p> <p><a href="#">The New Zealand Central Authority does not have accurate numbers to indicate the number of intrafamily intercountry adoption breakdowns as it does not have involvement in all of them. However, anecdotally the causes have been found to include inappropriate motivation for the adoption, unrealistic expectations of the child/ren and difficulty for the child adjusting to a completely new environment. On three occasions, following an intrafamily Convention intercountry adoption breakdown children have returned to other original family in their state of origin following cooperation between the two Central Authorities.</a></p> <p><input type="checkbox"/> No.</p>
39.	<p>In the context of intrafamily intercountry adoptions, does your State <b>cooperate with States</b> with which it normally <b>does not</b> cooperate?</p> <p><input checked="" type="checkbox"/> Yes. Please specify any challenges your State encounters and share any good practices your State may have developed in this regard:</p> <p><a href="#">If there is an insecurity of care or welfare issues in the state of origin for the child of a relative in New Zealand the New Zealand Central Authority will explore the need for and possibility of an intercountry adoption that complies with the Convention</a></p> <p><input type="checkbox"/> No.</p>

States of origin only

40.	<p>In your State, is the <b>subsidiarity principle</b> applied in the same manner to intrafamily intercountry adoptions?</p> <p><input checked="" type="checkbox"/> Yes.</p> <p><input type="checkbox"/> No. Please describe any <b>different procedures</b> used and explain the reasons for these different procedures:<sup>13</sup></p> <p><a href="#">Please insert text here</a></p>
41.	<p>Is intrafamily adoption used frequently to <b>protect children</b> within the extended family and / or are there other child protection measures (<i>e.g.</i>, kinship care, foster care) that your State applies to protect children within the extended family?</p> <p><input type="checkbox"/> Intrafamily adoption is used frequently. Please explain your response:</p> <p><a href="#">Relative intercountry adoption proposals are very common. In many instances there is no other reason other than stated poverty within the birth family or the applicants are unable</a></p>

<sup>13</sup> If applicable, you may wish to refer to your State's response to Question 33(i) of the [2014 Questionnaire](#).

to have a family and are prepared to separate a relative child from its intact family to meet adults needs to parent. Other examples are stated as a reason for the adopted child to have educational opportunities in order to become a later resource for the birth family in the country of origin. New Zealand has experienced relatives adopting a child in order for the child to be an additional source of Government assistance or to be made to work for the adoptive family in New Zealand.

Other child protection measures are applied. Please specify:

(a) which **other child protection measures** are applied to protect children within the extended family:

If a child comes to notice with care and protection concerns a legally mandated family group conference is held to share information known about the child and its immediate family with the extended family and if the child needs to leave the birth family for safety reasons the subsidiarity principle is applied within the family group first.

(b) if your State is a Party to the **1996 Child Protection Convention**, whether your State applies that Convention to give effect to these other child protection measures in other Contracting States:

New Zealand is not a party to the 1996 Convention.

### 3.2. Stepparent adoptions

Both States of origin and receiving States

42.	<p>Does your State apply the <b>1993 Adoption Convention</b> to stepparent intercountry adoptions?</p> <p><input type="checkbox"/> Yes.</p> <p><input checked="" type="checkbox"/> No. Please specify any reasons:</p> <p>The New Zealand Central Authority has not had any experience of a stepparent adoption of a child living in another contracting State.</p>
43.	<p>What is the <b>profile</b> of children who are adopted intercountry by a stepparent, either in your State or in the State with which your State cooperates?</p> <p>Please insert text here</p>
44.	<p>(a) Please specify any <b>challenges</b> your State encounters with stepparent intercountry adoptions:</p> <p>Please insert text here</p> <p>(b) Please specify any <b>good practices</b> of your State for stepparent intercountry adoptions, including those for overcoming any challenges:</p> <p>Please insert text here</p>

### 3.3. Intrafamily adoptions and circumvention of immigration laws

Both States of origin and receiving States

45.	<p>Has your State encountered situations where intrafamily adoptions were sought / used to <b>circumvent</b> immigration laws?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what the situations were and how your State addressed these situations:</p> <p>Children may be adopted using New Zealand domestic adoption provisions in their country of origin. This adoption grants them New Zealand citizenship and in some instances the children are moved to Australia using a specific immigration relationship between New</p>
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Zealand and Australia. Australian citizens have adopted foreign children in the New Zealand Family Court and subsequently moved the child to Australia due to the immigration provisions between the two countries thus avoiding normal Australian immigration processes.

No.

#### 4. DETERMINING THE CHILD'S HABITUAL RESIDENCE WHEN THE MOTHER MOVES TO ANOTHER STATE SHORTLY BEFORE GIVING BIRTH

*Scenario: A pregnant woman, habitually resident in one State (State A), travels to another State (State B) where she gives birth to her child and relinquishes her newborn child for adoption in that other State (i.e., State B).*

##### Both States of origin and receiving States

46.	<p>If your State has been involved in situation(s) similar to the above-described scenario:</p> <p>(a) was your State the <b>State of habitual residence</b> of the <b>mother</b> (State A), the State of <b>birth of the child</b> (State B), or another State?</p> <p>New Zealand has not experienced this scenario where a birthmother has come from a contracting State but we have experience with Pacifika women giving birth in New Zealand and placing the child, usually with relatives, for adoption.</p> <p>(b) how was the <b>child's habitual residence</b> determined? Which <b>factors</b> were considered?</p> <p>As the child is not entitled to New Zealand citizenship despite having been born in New Zealand, their citizenship would be that of their mother. If the child remains here unlawfully for some considerable years, having no immigration status, it may be that the habitual residence might be considered to be New Zealand and inquiry may not necessarily be made in the child's country where they are entitled to be citizens.</p> <p>(c) if adoption was considered the best option for the child, did your State determine it as being a <b>domestic adoption</b> or an <b>intercountry adoption</b>?</p> <p>An adoption could be granted under domestic adoption provisions but inquiry in regards to the subsidiarity principle is likely to be made in the child's country of entitlement to citizenship.</p> <p>(d) what <b>challenges</b> did your State face in dealing with such situation(s)?</p> <p>When time has been allowed to drift and primary attachments are formed, an adoption often becomes a <i>fait accompli</i>, and other birth family may not be explored.</p> <p>(e) if your State was the State where the child was born, was <b>contact</b> sought with the State of habitual residence of the mother? Was there any <b>cooperation</b> between the concerned States?</p> <p>If the child has an entitlement to citizenship of a contracting State, contact would be made and cooperation would be sought in that State.</p>
47.	<p>If there is a <b>risk</b> that the situation described above involves a case of <b>human trafficking</b>, would this be considered by your State when determining the child's habitual residence?</p> <p><input type="checkbox"/> Yes. Please explain your response:</p> <p>The New Zealand Government has a National Action Plan to Prevent Trafficking in Persons and an Operational Framework to guide responses to cases involving trafficking. These would be applied for any situation where intercountry adoption involved child trafficking, with the over-riding principle of the 'best interest of the child' being used as a guide to assist in determining the habitual residence of the child.</p>

	<input type="checkbox"/> No. Please explain your response: <a href="#">Please insert text here</a>
48.	<p>Which <b>actions</b> would your State take to address the case where both your State and the other State:</p> <p>(a) would determine the child's habitual residence to be in <b>their</b> State?  <a href="#">Please insert text here</a></p> <p>(b) would determine the child's habitual residence <b>not to be</b> in their State?  <a href="#">Please insert text here</a></p>

## 5. SIMPLE AND OPEN ADOPTIONS

### Both States of origin and receiving States

#### 5.1. Simple adoptions

*A simple adoption is one in which the parent-child relationship which existed before the adoption is not terminated but a new legal parent-child relationship between the child and his or her adoptive parents is established, and these adoptive parents have parental responsibility for the child.<sup>14</sup>*

49.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding simple intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p>
50.	<p>What is the <b>profile</b> of children for whom a simple intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p><a href="#">The New Zealand Family Court has undertaken two Court conversions of Hague adoptions into an adoption having the effect of terminating a pre-existing legal parent-child relationship. This has been done for the purpose of the adopters country of citizenship which does not recognise the original Article 23 Certificate from the child's country of origin.</a></p>
51.	<p>If your State permits both full and simple adoption, are <b>simple adoptions encouraged / promoted</b>?</p> <p><input type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No. Please explain your response:  <a href="#">For immigration purposes New Zealand requires an enduring permanent parent child relationship for an adopted child to obtain New Zealand citizenship or permanent residence immigration status. A guardianship order as a form of simple adoption that terminates at 18 years doesn't satisfy immigration requirements in New Zealand.</a></p>
52.	<p>Has your State faced any problems regarding seeking the birth mother / family's <b>consent to convert</b> a simple adoption into a full adoption in the State of origin (Art. 27 of the Convention)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the situations which have arisen and how your State has dealt with these situations:</p>

<sup>14</sup> See [Guide to Good Practice No 1](#), Glossary.



	<p>The New Zealand Court did not seek the birth mother/family's consent to the conversions as an Article 23 had been provided identifying the parent/child relationship had been terminated, which New Zealand accepted, but the country of citizenship of the adopters did not. The Hague compliant adoptions were not simple adoptions.</p> <p><input checked="" type="checkbox"/> No.</p>
53.	<p>(a) Please specify any <b>challenges</b> your State encounters with simple adoptions:</p> <p>For immigration purposes New Zealand requires an enduring permanent parent child relationship for the adopted child to obtain New Zealand citizenship or permanent residence immigration status. New Zealand has not had any simple adoption experience.</p> <p>(b) Please specify any <b>good practices</b> of your State for simple adoptions, including those for overcoming any challenges:</p> <p>Please insert text here</p>

## 5.2. Open adoptions / openness in adoption

54.	<p>Does the terms “open adoption”, “openness in adoption” or similar concepts <b>exist</b> in your State?<sup>15</sup></p> <p><input checked="" type="checkbox"/> Yes. Please specify: (a) how it is defined; (b) whether it is provided by law, regulation or only in practice; and (c) whether it is promoted in your State:</p> <p>Open adoption is when there there is knowledge at the outset of the identities of the birth family and the adoptive family and an on-going relationship in various forms. It is not prevented by law nor is it enshrined in law but. Our practice is focused on encouraging and supporting openness for the benefit of the child.</p> <p><input type="checkbox"/> No. Please explain what is understood in your State by the terms “open adoption”, “openness in adoption” or similar concepts:</p> <p>Please insert text here</p>
55.	<p>Has your State <b>changed its legislation, rules or practices</b> in recent years regarding open or openness in intercountry adoption?</p> <p><input type="checkbox"/> Yes. Please specify the changes made and the reasons for these changes:</p> <p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
56.	<p>Has your State developed any good practices to ensure that <b>Recommendation No 31</b><sup>16</sup> of the 2015 Special Commission is implemented?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the good practices developed in that regard:</p> <p>Adoptive applicants are educated about this practice and of the benefits for the adopted person. They are encouraged to obtain, retain and protect information about the birth and</p>

<sup>15</sup> If applicable, you may wish to refer to your State's response to Questions 19 and 20 of the [2014 Questionnaire](#).

<sup>16</sup> C&R No 31 of the 2015 SC:

“The SC noted that, where not prohibited by domestic legislation, and after professional matching, **contact between the adoptee and biological family** in intercountry adoption may be **beneficial** in some cases. In order to maximise the benefits and minimise the risks of such contact, professional support should be offered to prepare the parties, as well as to assist them during and after contact. The adopted child’s best interests should guide the nature of this contact, considering his or her wishes” [emphasis added].

	<p>extended family. Adoptive parents facilitate contact where possible with members of the birth family in the country of origin.</p> <p><input type="checkbox"/> No. Please specify any reasons: Please insert text here</p>
57.	<p>(a) What is the <b>profile</b> of children for whom an open intercountry adoption is made, either in your State or in the State(s) with which your State cooperates? Intercountry adopted children for whom there is on-going contact with families of origin are usually children who have older siblings who did not wish or were too old to be adopted.</p> <p>(b) Does your State have a <b>specific approach</b> depending on the profile of these children? <input checked="" type="checkbox"/> Yes. Please specify these different approaches: If it has been identified by the child's State of origin that contact is an expectation with siblings or grandparents, that is supported.</p> <p><input type="checkbox"/> No.</p>
58.	<p>Does your State provide professional <b>support or services</b> to birth families (in the case of States of origin) or adoptive families (in the case of receiving States) and adoptees in open adoptions (e.g., support for contact agreements, supervising contact after adoption)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify the support / services provided and any challenges and / or good practices in this regard: Openness in domestic adoptions is encouraged and supported and counselling to parties is provided. A legally non-binding contact agreement is drafted as a living arrangement that changes over time.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>
59.	<p>Has your State encountered situations where adoptees, adoptive parents and / or birth parents wanted to change the frequency or the method of <b>contact</b> between them after the adoption?</p> <p><input checked="" type="checkbox"/> Yes. Please specify what action was taken in response: On-going contact, its frequency and method changes and is modified by parties to adoptions to take account of the changes in the life circumstances of the parties involved.</p> <p><input type="checkbox"/> No.</p>
60.	<p>(a) Please specify any other <b>challenges</b> your State encounters regarding open adoptions: Sometimes the inability of birth families to remain in contact is a disappointing outcome if there had been a degree of openness and contact at the outset, but it has decreased or discontinued over time.</p> <p>(b) Please specify any <b>good practices</b> of your State with regard to open adoptions, including those for overcoming any challenges: Oranga Tamariki social workers remain available to search for and mediate between parties should it be sought.</p>

## 6. NON-CONSENSUAL ADOPTIONS

*In this Questionnaire, non-consensual adoption refers to the adoption of children whose birth parents have been deprived of parental responsibility by a competent authority but nonetheless disagree with the adoption. It does not intend to cover adoption where consent of the birth parents is required but not sought (such adoptions would fall under the category of illegal adoption), or where consent of the birth parents cannot be sought (e.g., they are deceased or unknown).*

States of origin only

61.	<p>What are the <b>circumstances</b> in your State in which a parent can lose his or her parental responsibility?</p> <p>In some exceptional circumstances, the New Zealand Family Court may find birth parents unwilling or unable to care for their child safely or they do not act in the child's best interests. In these cases the Court may remove the parental rights.</p>
62.	<p>Does your State <b>permit</b> the adoption of children whose birth parents have been deprived of parental responsibility?</p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether the <b>consent</b> of the birth parents who have lost their parental responsibility is <u>still</u> required?</p> <p><input type="checkbox"/> Yes. Please explain your response: Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response: Alternative legal arrangements are used to form a legal relationship with alternative caregivers under the Care of Children Act rather than the Adoption Act in the form of parenting orders rather than an adoption order. Adoption is very rarely used.</p> <p>(b) how your State ensure that the <b>principle of subsidiarity</b> is respected. Please also specify whether measures to support the birth family's reunification and alternative care options (<i>e.g.</i>, long-term foster care, kinship care) are considered prior to making the decision of non-consensual adoption.</p> <p>For all cases where there is a care and protection concern for a child requiring State intervention a Family Group Conference may be called to share information and in order to confirm the concerns for the child and involve the family in decision making and planning for the child's future.</p> <p>(c) what is the <b>procedure</b> applicable to such non-consensual adoptions (<i>e.g.</i>: how the child is declared adoptable; if the birth parents are given notice of the procedure; if the birth parents can contest).</p> <p>Birth parents are given notice of any application made to the New Zealand Family Court for an adoption of their child. The birth parents consent would be sought but it is possible to dispense with birth parents consent. Dispensation with consent is a very high bar under section 8 of the Adoption Act 1955. The Court must be satisfied that the parent or guardian has abandoned, neglected, persistently failed to maintain or persistently ill-treated the child or failed to exercise the normal duty and care of parenthood. If the Court is satisfied that the parent is unfit, by reason of any physical or mental incapacity to have the care and control of the child, their consent to adoption could be dispensed with.</p> <p><input type="checkbox"/> No. Please explain your response: Please insert text here</p>

Receiving States only

63.	<p>Has your State encountered situations in which the birth parents in the State of origin <b>contested</b> a non-consensual intercountry adoption when the child was already in the receiving State?</p> <p><input type="checkbox"/> Yes. Please specify what actions, if any, your State has taken to deal with these situations:</p>
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	<p>Please insert text here</p> <p><input checked="" type="checkbox"/> No.</p>
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Both States of origin and receiving States

64.	<p>What is the <b>profile of children</b> for whom a non-consensual intercountry adoption is made, either in your State or in the State(s) with which your State cooperates?</p> <p>The children are likely to be in State care and have been relinquished by their parents or the parents parental rights have been terminated.</p>
65.	<p>(a) Please specify any <b>challenges</b> your State encounters with non-consensual adoptions:</p> <p>Managing and supporting the emotional feelings of the adopted child coming to understand the circumstances of their adoption at the differing ages and stages of the child's cogniscence.</p> <p>(b) Please specify any <b>good practices</b> of your State regarding non-consensual adoptions, including those for overcoming any challenges:</p> <p>Please insert text here</p>

## 7. CONTACT BETWEEN THE PAPs AND THE CHILD BEFORE MATCHING

Both States of origin and receiving States

### 7.1. General questions

66.	<p>Does your State prohibit any <b>contact</b> between the child and the PAPs before matching?</p> <p><input checked="" type="checkbox"/> Yes. Please explain your response:</p> <p>There are occasions where people locate children when they visit overseas countries orphanages and wish to adopt children they identify. This is discouraged as it is counter to the principles of the Convention. Advice is given to prospective adoptive parents as to the proper process and the requirements of Article 29.</p> <p><input type="checkbox"/> No. Please specify:</p> <p>(a) in which <b>circumstances</b> such contact is permitted;</p> <p>Only if the child is a relative.</p> <p>(b) the <b>experience</b> of your State with regard to such contact.</p> <p>Please insert text here</p>
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### 7.2. Summer camps / hosting programmes

*In this Questionnaire, the "summer camps" practice is when adoptable children and PAPs attend an event (usually a camp) in the PAPs' State of residence (i.e., receiving State) or in the State of origin, usually for a period of several weeks. The hope is that the PAPs will want to apply to adopt one or more of the children they have spent time with during this event.*

*"Hosting programmes" (including "respite care" programmes for children who go abroad to improve their physical and psychological well-being) are when adoptable children are hosted by families living abroad, usually for a period of several weeks, sometimes with the hope that the families will wish to adopt them after the hosting.*

67.	<p>Is your State involved in summer camps / hosting programmes for children?<sup>17</sup></p> <p><input type="checkbox"/> Yes. Please specify:</p> <p>(a) whether such programmes specifically aim to be a <b>precursor to adoption</b> for some children (<i>e.g.</i>, for children with special needs):</p> <p><input type="checkbox"/> Yes. Please explain your response:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p> <p>(b) whether such programmes have, in fact, <b>resulted in the adoption</b> of children:</p> <p><input type="checkbox"/> Yes. Please specify the percentage of children involved in the programmes that are adopted:  <a href="#">Please insert text here</a></p> <p><input checked="" type="checkbox"/> No.</p> <p>(c) where a child is adopted following such a programme, how is it ensured that the <b>safeguards</b> of the <b>1993 Adoption Convention</b> have been respected (bearing in mind that it is likely that the child remains “habitually resident” in his or her State of origin and thus the adoption would fall within the scope of the Convention under Art. 2)?  <a href="#">Please insert text here</a></p> <p><input type="checkbox"/> No.</p>
68.	<p>If your State is involved in summer camps / hosting programmes specifically aimed at the adoption of some children, please specify:</p> <p>(a) whether the children benefiting from these programmes must have been <b>declared adoptable before</b> they can be part of such programmes;  <a href="#">Please insert text here</a></p> <p>(b) whether the PAPs participating in such programmes must have been <b>declared eligible and suitable</b> to adopt to be allowed to take part in such programmes;  <a href="#">Please insert text here</a></p> <p>(c) how the PAPs and children are <b>selected</b> to participate in such programmes, and whether a selection is made in cooperation with the other State;  <a href="#">Please insert text here</a></p> <p>(d) how the children are <b>prepared</b> for such programmes;  <a href="#">Please insert text here</a></p> <p>(e) what are the <b>effects on</b> and the <b>feedback from</b> the <b>children</b> who participated in such programmes but were not adopted;  <a href="#">Please insert text here</a></p> <p>(f) whether there have been situations where the adoption <b>broke down</b> after the child was adopted following participation in such programmes;  <a href="#">Please insert text here</a></p>

<sup>17</sup> Regarding respite care, if applicable, you may wish to refer to your State's response to Question 54 of the [2014 Questionnaire](#).

	<p>(g) if the PAPs wish to adopt the child, whether it is possible for the child to remain in the receiving State or whether he or she must <b>return</b> to the State of origin before the adoption procedure can be initiated;  Please insert text here</p> <p>(h) who <b>finances</b> such programmes;  Please insert text here</p> <p>(i) what is the <b>experience</b> of your State with these practices (<i>i.e.</i>, <b>challenges</b> and any potential <b>benefits</b>).  Please insert text here</p>
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### 7.3. Voluntourism

*In this Questionnaire, "voluntourism" refers to the practice of an individual travelling to another State to volunteer in that State. One common practice is to travel to volunteer in a children's institution. In these situations, some volunteers may subsequently wish to adopt one or more children from the child institution in which they were volunteering.*

69.	<p>Has your State <b>experienced</b> situations where "voluntourists" commenced an <b>adoption</b> procedure to adopt a child from the children's institution in which they volunteered?</p> <p><input checked="" type="checkbox"/> Yes. Please specify how your State handled these situations and any <b>difficulties</b> these situations may have caused:</p> <p>New Zealand has just had its first approach about the adoption of a child as a result of voluntourism but not involving a Hague Convention contracting State. This will be problematic as the prospective adoptive parents do not meet the residence requirement for foreigners to adopt in the child's country of origin. They have lodged an application in the New Zealand Family Court with the expectation that the Court will both dispense with the consent of the birth parents, who placed the child in an orphanage for its safe keeping, and to grant an adoption order for a foreign citizen child which would entitle the child to a New Zealand passport. They expect the child would be allowed to leave its country of origin on a clean New Zealand passport.</p> <p><input type="checkbox"/> No.</p>
70.	<p>Has your State taken any <b>action</b> to prohibit, regulate or to otherwise add safeguards to the practice of "voluntourism"?</p> <p><input type="checkbox"/> Yes. Please explain your response:  Please insert text here</p> <p><input checked="" type="checkbox"/> No. Please explain your response:  New Zealand is not able to prohibit New Zealand citizens visiting and volunteering in overseas orphanages. We discourage the practice of children being sourced through this avenue and caution the New Zealand Court from making adoption orders in relation to children sourced in this manner.</p>

### 7.4. Adoption of children already under the care of PAPs

71.	<p>If your State is aware of situations where PAPs have adopted or wished to adopt a child who was already under their care in the State of origin (<i>e.g.</i>, as part of a foster care placement,</p>
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	<p>kinship care, “<i>niño puesto</i>”,<sup>18</sup> or a more informal arrangement such as temporary care by neighbours or within a community), please specify:<sup>19</sup></p> <p>(a) whether the child had already <b>been declared adoptable</b> before the PAPs’ adoption application was submitted;</p> <p>The New Zealand Central Authority has had the experience of applying a retrospective application of Convention processes in instances where New Zealanders resident in a Hague contracting State have been fostering a child from an NGO orphanage and then wished to adopt the child. Domestic adoption from that country is not recognised by New Zealand in respect to citizenship by descent.</p> <p>(b) at what stage in the process the PAPs were <b>declared eligible and suitable</b> to adopt;</p> <p>After the child had been placed in their foster care.</p> <p>(c) what the <b>profile</b> of these children was;</p> <p>An abandoned baby and siblings living in a dump.</p> <p>(d) what was done to ensure that the <b>safeguards and procedures</b> of the 1993 Adoption Convention had been respected;</p> <p>The prospective adoptive parents were assessed in the child’s country of origin. A child study was provided, the two Central Authorities confirmed the adoptions proceeding and the New Zealand Family Court granted adoption orders.</p> <p>(e) your State’s <b>experience</b> with such adoptions.</p> <p>These proved very complicated and lengthy to execute to an acceptable standard of safeguards.</p>
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## 8. USE OF NEW TECHNOLOGIES

### Both States of origin and receiving States

72.	<p>Has your State changed its practices recently to <b>integrate new technologies</b> into work processes (e.g., blockchain to facilitate transmission and access to data)?</p> <p><input checked="" type="checkbox"/> Yes. Please specify (a) what the <b>experiences</b> of your State are in this regard (i.e., benefits and challenges) and (b) how your State take into account <b>data protection</b> in this context:</p> <p>With the Covid 19 experience we have used electronic signatures on some documents.</p> <p><input type="checkbox"/> No.</p>
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## 9. STATISTICS

### Both States of origin and receiving States

73.	<p>Please specify the <b>number</b> of intercountry adoptions per year (between 2015 and the present date) involving your State that are:</p> <p>(a) <b>relative</b> adoptions (i.e., excluding stepparent adoptions);<sup>20</sup></p>
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<sup>18</sup> “*Niño puesto*” refers to a practice in some Latin American States where persons who already have care of a child request to adopt even if the child has not yet been declared adoptable nor have the persons been declared eligible and suitable to adopt.

<sup>19</sup> Regarding foster care, if applicable, you may wish to refer to your State’s response to Question 55 of the [2014 Questionnaire](#).

<sup>20</sup> For receiving States, you may wish to refer to your State’s response to the HCCH [Annual Adoption Statistics Form](#).



New Zealand has these published in the Convention data template on the Permanent Bureau website under Statistics. <https://assets.hcch.net/docs/a4590986-a162-4191-9032-09433ac30782.pdf>

(b) **stepparent** adoptions;

[Please insert text here](#)

(c) **simple** adoptions;

New Zealand has no experience of simple adoptions

(d) **open** adoptions or adoptions that involve a certain **degree of openness**; and

The New Zealand Central Authority does not have accurate data on adoptions that involve a degree of openness in intercountry adoptions. At times openness develops after the adoption but was not established at the outset or at the time of the adoption. However, Oranga Tamariki does have a count of social worker assistance that is provided to parties to a domestic adoption to develop a contact agreement and establish how on-going contact will be effected for the benefit of the adopted child. For the fiscal year 2019/2020 70 % of domestic adoptions where the parties had been unknown to each other prior to being introduced by Oranga Tamariki established a legally non-binding contact agreement.

(e) **non-consensual** adoptions.

[Please insert text here](#)

## 10. OTHER MATTERS

74.	Please specify <b>any other comments</b> your State wishes to make concerning the implementation and / or operation of the 1993 Adoption Convention. <a href="#">Please insert text here</a>
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