

Departmental Disclosure Statement

Overseas Adoptions Legislation Bill

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Justice.

The Ministry of Justice certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

23 April 2026.

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Part One: General Policy Statement

The Overseas Adoptions Legislation Bill (the **Bill**) is an omnibus Bill introduced under Standing Order 267(1)(a). Standing Order 267(1)(a) provides that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy. The interrelated topic and single broad policy objective of this Bill is to establish an enduring system for international and overseas adoptions that—

- supports the well-being and best interests of adopted persons;
- aligns with New Zealand's international obligations;
- upholds the integrity of New Zealand's immigration and citizenship systems.

The Bill replaces the temporary changes made to the Adoption Act 1955 by the Adoption Amendment Act 2025 on 18 September 2025 and repeals the latter Act. Prior to those changes, New Zealand's adoption legislation lacked safeguards, which led to some adopted children and young people experiencing serious harm, including exploitation and abuse. There was also evidence that overseas adoptions posed risks to the integrity of New Zealand's immigration system.

The Bill sets out the circumstances in which an application for an adoption order may be made to the Family Court. An application for an adoption order may be made if a Family Court Associate or Judge is satisfied that—

- the applicants and the child are ordinarily resident in New Zealand; or
- at least one of the applicants or the child is ordinarily resident in New Zealand, there are exceptional circumstances, and the application will promote the child's welfare and best interests.

An application for an adoption order may also be made to the Family Court if the adoption is to formalise a legally valid international surrogacy arrangement.

The Bill limits the effect, in New Zealand, of an overseas adoption that is not an adoption under the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the **Hague Convention**). The limitations relate to citizenship under the Citizenship Act 1977 and the grant of visas and entry permissions under the Immigration Act 2009.

In relation to citizenship, an adopted person will only be a New Zealand citizen as a result of the adoption if they meet the requirements of the Citizenship Act 1977 and they are adopted under the Hague Convention or they are the subject of an adoption order made in the New Zealand Family Court. Once in New Zealand an adopted person may be able to apply for citizenship by grant, as set out in the Citizenship Act 1977.

In relation to visas and entry permissions, the Bill provides that persons adopted under an overseas adoption may be granted a visa or entry permission if—

- the adopting parents have been ordinarily resident in a country other than New Zealand for at least 12 months prior to the adoption and the primary purpose for residing in that other country was not related to adopting a child; or
- the overseas adoption took place in a designated country when the adopting parents were ordinarily resident in New Zealand.

The Bill creates a power for the Governor-General, on the recommendation of the Minister of Justice, to designate a country by Order in Council. Before making a recommendation, the Minister of Justice must consult with certain other Ministers and be satisfied that the country's regulatory regime (including any agreements between New Zealand and that country in respect of adoption) provides sufficient safeguards to prevent harm to adopted persons.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	YES
The Ministry of Justice has conducted two public rounds of consultation on adoption reform that included consultation on options for reforming international adoptions. The discussion documents <i>Adoption in Aotearoa New Zealand</i> (2021) and <i>A new adoption system for Aotearoa New Zealand</i> (2022) and summaries of submissions are available here: https://www.justice.govt.nz/justice-sector-policy/key-initiatives/adoption-law-reform/	

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	YES
This Bill helps to ensure New Zealand's adoption laws are consistent with the United Nations Convention on the Rights of the Child (accessible at https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child), in particular, in relation to article 21, which relates to the rights of children regarding adoption.	

2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	NO
There is no Parliamentary examination required.	

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
The regulatory impact statement "Targeted reforms to international adoption system" was prepared by the Ministry of Justice and finalised in November 2025. A copy of the regulatory impact statement will be made available upon introduction of the Bill. Some information will be withheld in accordance with the withholding grounds in the Official Information Act 1982.	

2.3.1. If so, did the Ministry for Regulation provide an independent opinion on the quality of any of these regulatory impact statements?	NO
A quality assurance panel from the Ministry of Justice, with representation from the Ministry of Business, Innovation and Employment, reviewed the regulatory impact statement and considered that the information and analysis summarised in the statement meets the Quality Assurance criteria.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO
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2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	YES
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO
The regulatory impact statement sets out analysis on the potential costs and benefits.	

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?
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New Zealand's obligations under the United Nations Convention of the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption were considered when developing the policy. The Ministry of Justice worked closely with the Ministry of Foreign Affairs and Trade on the proposals in the Bill.
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Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

The proposals have been assessed against CO (19) 5: Te Tiriti o Waitangi Guidance. No Te Tiriti o Waitangi implications were identified. The nature of the issues and proposed changes are to do with children adopted overseas. Therefore, they will only impact people in New Zealand looking to adopt a child from overseas.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?	YES
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Advice provided to the Attorney-General by the Crown Law Office, or a section 7 report of the Attorney-General, is generally expected to be available upon introduction of a Bill. Such advice, or report, will be accessible on the Ministry of Justice website at: https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:	
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(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
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(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	YES
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Clause 5 of the Bill limits the jurisdiction of the New Zealand Family Court to accept adoption applications where an adoptive applicant or applicants or the child who is the subject of the application is not ordinarily resident in New Zealand. This will mean that the Family Court will only accept adoption applications where the adoptive applicant or applicants and the child are ordinarily resident in New Zealand. Adoption applications where either adoptive applicant or the child is ordinarily resident outside of New Zealand will only be accepted by the Court if exceptional circumstances apply and the welfare and best interests of the child will be promoted by the application, or if the application is to formalise a legally valid international surrogacy arrangement.
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3.4.1. Was the Ministry of Justice consulted about these provisions?	NO
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The Ministry of Justice is the lead agency on this Bill.
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Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	YES
Clause 5 enables the Family Court to recommend that an applicant for an adoption order arrange for DNA testing where the applicant alleges that they have a genetic link with the child who is the subject of the application. Standards will be prescribed in regulations that a provider must satisfy, including standards relating to the storage and disposal of any samples provided, as well as patient confidentiality.	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	YES
The Ministry of Justice consulted with the Office of the Privacy Commissioner on provisions of the Bill relating to establishing a DNA evidence regime in international adoptions through the Family Court. The Office of the Privacy Commissioner did not raise concerns about the Bill's compliance with the principles outlined in the Privacy Act 2020.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>Members of the Family Court judiciary were consulted on proposals to limit the Family Court's jurisdiction and consequential procedural changes.</p> <p>The New Zealand Law Society and Mana Mokopuna – Children's Commissioner were also consulted on the proposals. They were generally supportive of the intent behind the reforms and emphasised the importance of taking a child-centric approach. However, they also raised concerns about limiting the jurisdiction of the Family Court and the removal of citizenship entitlements.</p> <p>There has not been any other external consultation. However, insights from public consultation on adoption law reform in 2021 and 2022 have been used to inform these proposals.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
We have developed the policy details in consultation with agencies who will operationalise the changes in the immigration and citizenship systems and the Family Court.	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
Clause 10 of the Bill repeals section 27E of the principal Act, which afforded a power to amend Schedule 1AAB of the Adoption Act 1955 by Order in Council.	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
Clause 9 of the Bill creates a power for the Governor-General, on the recommendation of the Minister of Justice, to designate a country by Order in Council.	
The Bill also allows for standards for DNA testing to be prescribed through regulations, relying on the existing empowering provision for making regulations in section 28 of the Adoption Act 1995.	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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