

Departmental Disclosure Statement

Adoption Amendment 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.

4 September 2025.

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Part One: General Policy Statement

The Adoption Amendment Bill (the Bill) makes temporary amendments to the Adoption Act 1955 (the Act) with the aim of preventing harm to children and young people adopted overseas and brought to New Zealand to live. Around 1,000 overseas adoptions are recognised in New Zealand each year under section 17 of the Act, making up the majority of all New Zealand adoptions. However, the Act is out of date and its provisions for recognising overseas adoptions lack safeguards.

The Act defers to adoption judgments of overseas courts and authorities regardless of whether there are adequate checks in place to protect adopted children and young people. In practice, adoptive parents with criminal convictions and histories of abusing and exploiting children and young people have been able to adopt children and young people overseas and bring them to live in New Zealand. In some cases, those children and young people have then been physically, psychologically, and sexually abused, neglected, and exploited for labour. The Bill makes urgent temporary changes to prevent children and young people from continuing to be exposed to this unacceptable risk of harm.

The Bill does not apply to overseas adoptions within the scope of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. For other overseas adoptions by New Zealand citizens and residence class visa holders, recognition in New Zealand for the purposes of citizenship and immigration is temporarily restricted. In effect, the restriction in the Bill means that children and young people adopted overseas will be unable to access New Zealand citizenship entitlements and immigration pathways.

However, the change will not apply to adoptions that occur in countries that have sufficient safeguards (exempt countries). Adoptions occurring in exempt countries by New Zealand citizens and residence class visa holders will continue to be recognised under section 17 of the Act, and citizenship and immigration entitlements remain unchanged for the adopted children and young people. The Bill includes a list of exempt countries and provides that the list can be amended by Order in Council.

The Bill limits the court's jurisdiction to make adoption orders under the Act. An adoption order can only be made to formalise an international surrogacy arrangement, or if a Family Court Associate or Judge is satisfied that the applicants and the child are ordinarily resident in New Zealand or there are otherwise exceptional circumstances.

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 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: Adoption Law Reform New Zealand Ministry of Justice .	

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, in particular, in relation to article 21, which relates to the rights of children regarding adoption.	

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	NO
A regulatory impact statement has not been completed due to the urgent nature of the work. The Ministry for Regulation has not exempted the proposal from the impact analysis requirements, meaning it does not meet Cabinet's requirements for regulatory proposals.	
The Ministry for Regulation and the Ministry of Justice have agreed that supplementary analysis will be provided when Cabinet decisions on an enduring solution regarding international adoptions are sought in November.	

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?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

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.

We have worked closely with the Ministry of Foreign Affairs and Trade on the proposals in the Bill, in particular, those that relate to specific countries.

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 have little impact on people in New Zealand, except for those 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 6 of the Bill temporarily limits the jurisdiction of the New Zealand Family Court to make adoption orders, where an adoptive applicant or child (or both) are not ordinarily resident in New Zealand. This will mean that the Family Court is only able to make adoption orders where an adoptive applicant or child (or both) is habitually resident overseas if exceptional circumstances apply.

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.

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
The Bill makes consequential amendments to the Family Court Rules 2002 (rule 244 and Schedule 2, Form A 3) and the Adoption Regulations 1959 (reg 8 and Schedule, Form 1) which provide for the information that must be provided to the Court as part of an adoption application and accompanying affidavit.	

3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO
Information held by a court or tribunal in relation to its judicial function is not subject to 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
Members of the Family Court judiciary were consulted on proposals to limit the Family Court's jurisdiction and consequential procedural changes. 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.	

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?	YES
<p>Clause 8 of the Bill inserts section 27E into the Adoption Act. This section empowers the Governor-General, upon recommendation of the Minister of Justice, to amend the list of exempt countries in Schedule 1AAB. This is necessary to ensure that the list can be amended quickly in response to a country's risk profile changing. In order for the Minister of Justice to make a recommendation, they must be satisfied that statutory criteria have been met.</p> <p>Clause 2 of the Bill sets out commencement of the Bill. Section 2 provides that the expiry date of the amendments will be on a date set by the Governor-General through Order in Council or 1 July 2027 (whichever is earlier).</p>	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
<p>The Bill makes changes to an existing power to prescribe specified countries as part of the definition of overseas adoptions. It changes how these countries are prescribed so these will be made as regulations under s 28 of the Adoption Act.</p>	

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?	YES
<p>The Bill only makes changes on a temporary basis while a permanent solution is developed. If the new law is not passed, the changes will expire on a date set by the Governor-General through Order in Council, or 1 July 2027 (whichever is earlier).</p>	