

- All support services and workforces that engage in the adoption space – participants highlighted a need for health, legal representatives, social services and education providers to be upskilled and updated on new adoption laws and adoption-informed practices:

Our clinicians are horribly under educated when it comes to adoption experiences. So often psychiatric or psychological or even medical are not well informed...There's value in rolling out education to go with [new law changes] we have so few clinicians who can address [adopted people's] needs. (F3 – adopted person)

I'm a trained [health professional], I never even got adoption spoken about...and I work in trauma. So there are so many health professionals that probably don't even understand anything about adoption or surrogacy or anything else to do with little children...I am incredibly concerned as a healthcare provider. (F5 – adopted person)

- Prospective adoptive parents and parents who are considering adopting out their children:

I think we're trying to create definitive legislation around what is social, cultural aspects, familial and relationship aspects, as opposed to legal aspects of family. And I mean, I completely agree, the best practice here and in every country that has adoption, has found that open relationships...or the fact that a child has access to the answers that he or she needs at the stage and the life that they're asking those questions and has contact with birth family with whakapapa is essential, but how we make that into a legal relationship? I can't answer that. (F3 – adopted person)

- The general public – participants noted that Australia's public apology increased public awareness and understanding about the experiences of adopted people

I personally think the general public could be educated, but they're obviously not our mandate. (F3 – adopted person)

I think the 2013 apology in Australia went a long way in terms of education of historical beliefs around adoption, and moving more into how we're operating now. So that was a step. I'm not sure whether that's a consideration here in Aotearoa, but it was a good public understanding. (F3 – adopted person)

2.10. Who can access adoption information and when?

Access to adoption information: All participants agreed that access to adoption information for adopted people was a basic human right and accessibility should be made faster and easier. In line with this view, participants highlighted a need to eliminate bureaucratic challenges and barriers to information and ensure easy access for all including adopted people residing overseas.

We should have basic human rights to know what happened, to have a birth story, to have a birth record. (F1 – adopted person)

It's got to be blanket, everyone has everything available to them all of the time from the minute they're born...have all your medical records, know who all of your people are, and keep your goddam name. (F8- adopted person)

All participants generally supported all options provided in the discussion document and also noted it as critical that access to adoption information was:

- A simple and easy process that all government departments also had a clear understanding about

This whole access thing means we have to actively do something...[our information should come with us]...wherever [we] go in life, [we] don't have to figure out a government department or bureaucracy [we] don't have to go through the emotions of upsetting the adopted parents, or doing it is secret or getting turned away if somebody in an office stuffs up and feeling like an annoyance (F8 – adopted person)

- Available from birth and at any point throughout an adopted person's life

If we're putting the child's best interests as paramount, then they should have access to that information all of their life, not sealed, available to them when they want it, provided to them for their entire life. (F5 – adopted person)

I felt like under the current framework, there shouldn't be a need that as a teenager you should be searching, you should have that information from birth... there shouldn't be a, I'm 16 and I have no idea who I am. Which doesn't feel okay ever. (F3 – adopted person)

- Available to people adopted under the 1955 Act

I was heartened when [MOJ] said a little bit about that with the suggestions going forward, around access to information, no secrecy, all the records been available for adopted people, is potentially going to be the same for us for past adoption, because I think it's incongruent for that not to be alongside. It doesn't make any sense that this group of people are born into this era and they have access and those of us born into a different one don't. I don't think we should operate like that here. (F7 – adopted person)

- Open and transparent – participants strongly emphasised how important access to information with no redactions is to one's identity and insights for prohibited relationships. Redactions were described as being based on a Privacy Act established to manage credit card fraud and an *excuse for not sharing information*.

These children, going forward, need to have all this information and when they ask for it, with no redactions at all. Please no redactions...These children need to know who [they are]...and [their] proper identity and [their] ancestry. (F5 - adoptee)

When I was 15, it was suggested 'you should only date people who come from other countries just in case – that's not fair. (F8 – adopted person)

- Free and void of financial barriers.

As the person finding the information, have to pay the lot. Wherever you go it's cost, cost, cost, cost, cost, cost, cost, cost, cost. So that is a barrier to a lot of people who want to come in and find about themselves. (F7 – adopted person)

Some participants also highlighted a need for adoption law to:

- Detail and define the term 'adoption information' and ensure inclusivity of all health files, court files and departmental files about an individual, including their original birth certificate.

You haven't spelt out what adoption information means you have to deduce it by hunting around. There's the social work record, the Social Work report, there's the court report. All of those things are mentioned here and there. But adoption information has to be spelled out as to what it contains. (F5 – adopted person)

Access to hospital and medical records was specifically noted as critical for adopted children/people and adoptive parents to access.

I don't know if everyone gets dementia at 60 in my father's family...or if there's prevalence towards a certain cancer or anything like that...I don't know, my [child] doesn't know... I'll just have to wait and see...Who benefits from us not knowing every single thing about ourselves? (F8 – adopted person)

We went back to try and find information about birth parents, birth mother in particular, around fetal alcohol and exposure to drugs, there just wasn't any. The information on that was minimised. There was no record of the social worker even having told us that on file. There was no support access, no pediatrician assessments, no access to any of that kind of information that would have helped us as adoptive parents put the right supports in place for our [child] going forward. (F4 – adoptive parent)

- Provide clarity about who else may have access to adoption information

If it's a child, is there going to be an expectation that the adoptive parent have some information, know about it, have to buy into it, have to approve it, has to be part of it? That I can see as problematic...if there's some nuance to that idea that access is going to be openly available, is how I interpreted that. (F3 – adopted person)

A small number of participants noted that the discussion document did not mention access to information for birth parents (aside from access to original birth certificates which is already in place). These participants considered it important for birth parents to be able to access the same adoption information as adopted people.

There is nothing saying that the birth parents should also have a copy of the Social Work report and the court record and all of that. Everything that an adopted person has access to, birth parents should have access to it too. And I know that currently

they are supposed to choose the parents, which is completely, of course, absent from the legislation, it's purely practice, there's no legislative backing to it at all, and also that they're still going to be legal parents and all that. But connections get lost, they still have to be able to come back and access that. (F5 – adopted person)

- Ensure a child under 18 years has adequate support available to access and understand their information.

You might want to look at, if the persons under 18, that there's a child advocate alongside them helping them to go through that information...navigate those relationships...You wouldn't want to restrict that young person having access to that information, or that it would need to be agreed by the adoptive parent so I think there'll be some ways to support that process...It's not just open it up entirely because I think we create new problems if we do that. (F3 – adopted person)

Information protected by vetoes: Most participants agreed vetoes should be removed, and the options proposed to keep and or change the current veto system were neither aspirational nor in the best interests of the child.

[The discussion document is] suggesting two alternatives to a veto, but nothing about taking the veto off completely. (F5)

I was actually quite shocked as well, when I read through the notes that they were considering keeping the vetoes as they are. One of the options was to keep it or to have it slowly taken out over two years. That's sort of the opposite of child centric, keeping it. (F6 – adopted person)

A small number of participants suggested that the only veto that should exist should be if an adopted person chooses to veto their records.

If this truly is legislation that's about us, the adopted person, the only veto that should remain is if the adopted person chooses to have a veto on their records. Because ultimately, they may decide I don't want to be connected with my original family, they have a right to that. That's the only veto that should remain in my view (F5 – adoptee).

2.11. What if things go wrong?

Discharging an adoption order: Many participants considered the options for discharging an adoption order:

- Placed a significant life-changing decision and responsibility on 16/17-year-olds – particularly in light of developing cognition and brain development throughout one's teenage years. Some participants recommended a need to increase the age at which a young person can apply on their own behalf to between 18-25 years and ensure adequate support is provided (see section 3.11)

The only thing that really jumped out at me was the thought that a 16 or 17 year old was wise enough to make a decision. I thought, Oh, really, have you been a parent? Maybe when someone's 25, there should be an option, but I don't think a 16/17 year old should have the wisdom to make this decision... we need a wider perspective, not putting such a serious responsibility on to 16/17 year olds. (F3 adopted person/adoptive parent)

- Should not be an option for adopted parents without a requirement for them to access adequate support and processes before any variation occurred

For adoptive parents, having the ability to discharge an adoption is not a good thing, I think as well, because these breakdowns can be avoided with the right support, in my opinion...historically, the support hasn't been there...and that is why there have been many relationship breakdowns. But if we're looking at this from a different angle, it can be avoided [with adequate] education and support. (F3 adopted person/adoptive parent)

In line with this view, participants did not agree with broadening the parameters for adopted parents to reverse an adoption order.

The other issue that comes up, but it hasn't even been mentioned, is your great widening of the provision for the adoptive parents to reject the adoption, to reverse the adoption...Guardianship under this new regime, would revert to the birth parents, whether they want it to or not...To have adoptive parents able to just say, Oh, well, thanks very much but we don't want [this child], I think you're going to have to think very, very seriously about that provision. (F5 – adopted person)

- Should eliminate all barriers and discriminatory practices for adopted adults to annul or reverse their adoption.

When it comes to adopted adults who may choose to annul or reverse their adoption my view here is pretty simple, don't make us jump through hoops. What was done to us was unnatural, unjust, and if we want it annulled, it should be annulled, no questions asked. I never consented to my adoption and I do not give my consent retrospectively. I want my adoption discharged and I don't believe I should have to jump through hoops or get anyone's permission, the natural parents, adoptive parents, in order to do this. (F5 – adopted person)

I'm just about to start that process and I have to go to the Attorney General, I have to hire lawyers, I have to go to court and prove why material misrepresentation. Now, most people can't do that because they need to be able to show their files, they can't get their files because they can't prove a reason that is special enough, as the judge said to me, so we've got a system that is set up to actively discriminate against a very large cohort of Aotearoa New Zealanders. (F1 – adopted person)

2.12. What happens in overseas and intercountry adoptions?

Some participants acknowledged *there would always be a need for inter-country adoption* but the proposed options for overseas and intercountry adoptions were limited and insufficient, require a more detailed explanation of current law to identify the benefits of proposed options for law reform, and should include the same considerations as domestic adoptions.

When it comes to overseas and intercountry adoption...this is an incredibly complicated area...That's the one thing I hardly can say anything about because you've been so loose about it, and you basically said, we don't know what we should do, you tell us...that is an abdication of responsibility in your area. (F5 – adopted person)

A lot of the things that I think are really good with your view on domestic adoptions feels like it's really lacking when it comes to the inter country ones. (F4 – adopted person – international)

Some participants also noted a need for adoption law to:

- Review and refine the Hague Convention process: A small number of participants did not consider the Hague Convention provided an adequate safeguard for adopted children/people and supported that a new process be established for intercountry adoptions. Participants primarily noted a risk for fraudulent overseas activity and paperwork and less government monitoring and support for the adopted child coming into Aotearoa New Zealand.

My experience with the Hague Convention is that you can't just rely on it to safeguard the interests of adopted people...fraudulent paperwork is a way to circumvent the whole convention...We can't really know for sure when we're in one country, what's going on in a different one. (F4 – adopted person – international)

That's actually a risk in itself, that you have children who are being placed with people who've been approved as adoptive parents...the law recognises them as if they were born into that family...and doesn't have capacity to respond to that [if things go wrong]. (F4 – adoptive parent – international)

Other participants supported the Hague Convention inter-country adoption standards. For some, this was on the proviso of a review and refinement of Sections 3 and 17.

I fully agree with the need to bring family adoptions into line with the Hague Convention...in the child's best interests...for the purposes of creating a new family...that needs to be brought into line [to avoid] people just trying to get around immigration through adoption. (F3 – adopted person/adoptive parent)

We've got one standard here with Hague Convention, where authorised people are facilitating this. It's an exchange of information about the applicants and the child

and there's counseling involved. So that's the kind of standard that you want for an intercountry adoption. (F5 – adopted person)

One participant noted that the option for every proposed adoption in Aotearoa New Zealand to go to Oranga Tamariki first was a positive change under Section 3 – however, a review was recommended to assess overseas representation and connections to Aotearoa New Zealand. Section 17 was considered loose and in need of extensive review and refinement.

Section 3, which is like anybody, anywhere in the world can lodge an application in the Aotearoa New Zealand family court for any kid anywhere in the world...Our court is going to be considering making an adoption order which will give the child Aotearoa New Zealand citizenship without any conversation with the representatives in the overseas country. And then there isn't any specificity about what would anybody's overseas attachment to Aotearoa New Zealand be to be able to use our court? What's the connection here? (F5 – adopted person)

Section 17, just accepting any adoption that isn't from a Hague Convention country that meets those tiny three little criteria...really needs a serious look at. (F5 – adopted person)

- Specify that robust family court processes are needed to assess adoptions formalised overseas – the proposed administrative process was not considered acceptable

There's a second proposal in the discussion document, which says that we should recognise overseas adoptions by an administrative process. I am totally opposed to this...This will result in Aotearoa New Zealand becoming a clearinghouse for predatory adopters who have gone overseas and had an adoption formalised in another country where there's no checks and balances...So what I want is for overseas adoptions to be recognised, you will need to apply to the family court and there will need to be significant scrutiny and it will need to be a family court judge who does that, not an administrative process. (F5 – adopted person)

- Require and enforce a pre- and post-adoption culture plan from the country of birth and Aotearoa New Zealand

For me, I think it's extremely important that they know their culture and it's not law when we place kids in different countries that they make them aware of the cultural background. And I think it would be fantastic if it's somehow implemented that they have to retain their culture or be taught about their cultural or aware their culture. (F1 – adoptive parent – international)

- Support adoptive parents to establish a peer support group, network and share experiences and learning opportunities.

The adoptive parents are really important...I always also organise groups on Facebook (for overseas adoptive parents) they all talk and they share their thoughts and they help each other and they get together as a group maybe once every couple of years...it's fantastic for the kids because they know that there's other kids in the

*same situation as them, and these parents are much more engaged in the culture.
(F1 – adoptive parent – international)*

A lot of the parents they didn't really know too much about how to teach their children about the culture growing up...As a child, I always had so many questions about where I had come from and I always wanted to know. I was always very proud of where I come from, but also very proud of my home here in Aotearoa New Zealand growing up. So I think identity is a huge thing for a lot of adopted persons in the community that I've come across. (F4 – adopted person)

A small number of participants advocated the need to consider banning intercountry adoption – it is child trafficking

So the proposals around inter country adoption I was most concerned about. My point of view is intercountry adoption is straightforward child trafficking, it ought to be a crime...There's laws against child trafficking, inter country adoption should be banned. (F5 – adopted person)

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