

ADULT ADOPTION INFORMATION AMENDMENT

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A BILL INTITULED

An Act to amend the Adult Adoption Information Act 1985 to allow greater access to information for adult adopted persons, birth parents, and relatives

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Adult Adoption Information Amendment Act 1993, and shall be read together with and deemed part of the Adult Adoption Information Act 1985 (hereinafter referred to as the principal Act).

10 (2) This Act shall come into force on the 1st day of June 1994.

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by omitting the definition of the term “adult”.

15 (2) Section 2 of the principal Act is hereby further amended by omitting from the definition of the term “original birth certificate” the words “, endorsed on its face with the words “ISSUED FOR THE PURPOSES OF THE ADULT ADOPTION INFORMATION ACT 1985”; and includes any such certificate

from which there have been omitted, in accordance with this Act, any details relating to either or both of that person's birth parents".

(3) Section 2 of the principal Act is hereby further amended by inserting, in their appropriate alphabetical order, the following definitions:

“ ‘Adult adopted person’ means a person in respect of whom an adoption order has at any time been made and who has attained the age of 18 years:

“ ‘Amended birth certificate’, in relation to an adopted person, means a certified copy of the record relating to the birth of the person based on their adoption order registered under section 21A of the Births and Deaths Registration Act 1951:

“ ‘Contact veto’, in relation to an adult adopted person and a birth parent, means a contact veto as defined under section 7 (1) of this Act:

“ ‘Relative’ in relation to any adopted person means a—

- (a) Grandparent; or
- (b) Brother; or
- (c) Sister; or
- (d) Aunt; or
- (e) Uncle—

who has attained the age of 18 years:

3. New sections substituted—The principal Act is hereby amended by repealing section 3, and substituting the following sections:

“3. Adopted person's rights—(1) Every adult adopted person is entitled to receive—

“(a) The person's original birth certificate; and

“(b) Any further information relating to the person's birth parents, siblings, and grandparents held by the Director-General relating to the adoption.

“(2) An adopted person who is not an adult adopted person is not entitled to receive his or her original birth certificate or any further information relating to the person's birth parents, siblings, and grandparents held by the Director-General except with the consent of—

“(a) His or her surviving birth parents as recorded on the original birth certificate; or

“(b) The Director-General, if there are no surviving birth parents, siblings, or grandparents, or if they cannot be found or, if there is, in the opinion of the

Director-General, any other sufficient reason to dispense with obtaining their consent.

Cf. Adoption Information Act 1990, s. 6 (1) (2) (NSW)

5 “3A. **Birth parent’s rights**—(1) Subject to subsection (2) of this section, every birth parent of an adult adopted person is entitled to receive—

“(a) The amended birth certificate of the adopted person; and

10 “(b) Any further information relating to the adopted person held by the Director-General.

“(2) Any man who claims to be the birth parent of an adopted person is not entitled to receive an amended birth certificate or any further information relating to the adopted person held by the Director-General unless—

15 “(a) He is shown on the adopted person’s original birth certificate as the person’s father; or

“(b) He is to be presumed, to the satisfaction of the Director-General, to be the father of the adopted person.

Cf. Adoption Information Act 1990, s. 8 (1) (2) (NSW)

20 “3B. **Relative’s rights**—Every relative of an adult adopted person, who having attained the age of 18 years, is entitled to receive:

“(a) The adopted person’s amended birth certificate; and

25 “(b) Any further information relating to the adopted person held by the Director-General.

“3C. **Adoptive parent’s rights**—(1) Subject to subsection (2) of this section, every adoptive parent of an adult adopted person is entitled to receive—

“(a) The adopted person’s original birth certificate; and

30 “(b) Any further information relating to the adopted person held by the Director-General.

“(2) An adoptive parent is not entitled to receive the original birth certificate or any further information relating to the adult adopted person held by the Director-General unless the adult adopted person consents to the adoptive parents receiving it.

35 Cf. Adoption Information Act 1990, s. 7 (NSW)

40 “3D. **Access to adoption information by relatives after death of adopted person or birth parent**—The Director-General may, after taking into account any likely detriment to the welfare and best interests of any adopted person, birth parent, relative, or spouse of the deceased person then surviving the deceased person or the other person, supply to a relative the original or amended birth certificate of, or any

further information relating to, the adopted person held by the Director-General, of a deceased adopted person or a deceased birth parent.”

Cf. Adoption Information Act 1990, s. 9 (NSW)

4. Adult adopted person may apply for original birth certificate—(1) Section 4 (1) of the principal Act is hereby amended by inserting, after the word “adult”, the words “adopted person”.

(2) Section 4 of the principal Act is hereby amended by repealing paragraphs (b) and (c) of subsection (1) and paragraph (a) of subsection (2).

(3) Section 4 (2) (a) of the principal Act is hereby amended by omitting the words “after the 28th day of February 1986”.

5. Repeal—Section 5 of the Adult Adoption Information Act 1985 is hereby repealed.

6. New sections substituted—The principal Act is hereby amended by repealing sections 7, 8 and 9, and substituting the following sections:

“**7. Contact veto**—(1) An adult adopted person or either birth parent may at any time lodge a contact veto so as to prohibit any contact between an adult adopted person and either or both birth parents.

“(2) Any person entitled to lodge a contact veto shall do so in writing in the form prescribed by the Director-General.

“(3) A contact veto shall lapse upon the expiry of 5 years but may be renewed for one or more 5 year period.

“(4) Any person who has lodged a contact veto may at any time request the Director-General to have any contact veto endorsement rescinded and the Director-General shall act accordingly.

8. Responsibilities of Director-General on receipt of request for contact veto—(1) The Director-General shall inform the person making a request for a contact veto of the counselling available in the area in which the person lives from social workers and approved persons and organisations, and whether or not that person desires counselling.

“(2) If that person indicates that that person desires counselling, the Director-General shall take no further action until that person requests the Director-General to proceed with the request for the contact veto:

“(3) If that person indicates that that person does not desire counselling and requests the Director-General to proceed with the original request, the Director-General shall then proceed with the request for the contact veto.

5 “9. **Contact veto register**—(1) The Director-General shall establish and maintain a Contact Veto Register.

“ (2) The Contact Veto Register shall record the following details, namely:

10 “(a) The name and address of the person who has lodged the contact veto; and

“ (b) The date and place of birth of the person; and

“ (c) The person or persons with whom the person objects to there being any contact; and

15 “(d) The name and address for notification of each person who had requested under this Act that he or she be notified of the cancellation or variation of a contact veto.

20 “(3) Upon receipt of a duly lodged contact veto the Director-General shall forthwith advise the Registrar-General to have the original birth certificate or the amended birth certificate of the adopted person endorsed with the details of each contact veto.”

Cf. Adoption Information Act 1990, s. 19 (NSW)

7. New section inserted—The principal Act is hereby amended by inserting, after section 11, the following section:

25 “11A. **Offences**—(1) Every person, being a person who is the subject of a contact veto that is in force, commits an offence against this Act who contacts or attempts to contact, or procures any other person to contact or attempt to contact the person who lodged the contact veto.

30 “(2) Every person who commits an offence against this section shall be liable on summary conviction to a fine not exceeding \$1,000.”