

*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and having this day passed as now printed, is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.*

*Legislative Council,  
28th July, 1881.*

*Hon. Mr. Waterhouse.*

## ADOPTION OF CHILDREN.

### ANALYSIS.

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### A BILL INTITULED

AN ACT to legalize the Adoption of Children.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

- 5 1881.”
1. The Short Title of this Act is “The Adoption of Children Act, 1881.” Title.  
Short Title.
2. In this Act, if not inconsistent with the context,— Interpretation.
- “Child” means any boy or girl under the age of twelve years, or, in the absence of positive information as to age, means any boy or girl under the apparent age of twelve years in the opinion of the Resident Magistrate dealing with such child under the provisions of this Act:
- “Deserted child” means any child who, in the opinion of the Resident Magistrate dealing with such child under the provisions of this Act, is deserted and has ceased to be cared for and maintained by its parents, or by such one of them as may be living, or by its mother if it be illegitimate:
- “Adopted child” means any child concerning whom an order of adoption has been made as herein provided:
- “Adopted parent” means any person who is, by any such order of adoption as herein provided, authorized to adopt a child, and, if such person be married, includes the person to whom such adopted parent is married.
3. Upon the application of any married person of good repute, or who, being of the same sex as the child proposed to be adopted, is desirous of adopting any child, and upon hearing such evidence, upon oath or otherwise, as he shall think fit to require, any Resident Magistrate may, with the consent of the parents of such child, or such one of them as shall be living at the date of such application, or, if both parents be dead, then of its legal guardian, or, if one of such parents has deserted and ceased to care for and maintain such child, then with the consent of the other of such parents, or, if such child be illegitimate, then with the consent of its mother, and, in the case of a deserted child, without such consent, make an order authorizing such person making the application to adopt such child. Application for order of adoption.

Consent of husband  
and wife.

4. If the applicant be a married person, such order shall not be made without the consent of the person to whom such applicant is married.

Adopted child.

5. When such order has been made the adopted child shall, for all purposes, civil, criminal, and otherwise howsoever, be deemed in law to be the child born in lawful wedlock of its adopted parent: Provided always that such adopted child shall not by such adoption acquire any right, title, or interest whatsoever in any property whatsoever which would devolve on any child of its adopted parent by virtue of any deed, document, or instrument whatsoever prior to the date of such order, unless it be expressly so stated in such deed, document, or instrument.

Adopted parent.

6. When such order has been made the adopted parent shall, for all purposes, civil, criminal, and otherwise howsoever, be deemed in law to be the parent of such adopted child as if such child had been born to such adopted parent in lawful wedlock.

Regulations.

7. The Governor may make such regulations as he shall think fit prescribing the forms and mode of procedure to be used and followed in exercising the jurisdiction hereby conferred upon Resident Magistrates, and for prescribing the fees to be paid in respect thereof.

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