

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

Legislative Council,
28th July, 1881.

[AS REPORTED FROM COMMITTEE OF WHOLE HOUSE, 11TH AUGUST, 1881.]

Hon. Mr. Waterhouse.

ADOPTION OF CHILDREN.

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A BILL INTITLED

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, 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~~ District Judge dealing with such child under the provisions of this Act:
- 10 “Deserted child” means any child who, in the opinion of the ~~Resident Magistrate~~ District Judge 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 guardian, or by its mother if it be illegitimate:
- 15 “Adopted child” means any child concerning whom an order of adoption has been made as herein provided:
- 20 “~~Adopted~~ Adopting 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.
- 25 3. Upon the application *in writing* of any married person of good Application for order of adoption. 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~~ District Judge may, with the consent *in writing* 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, *and on being satisfied that the applicant is of sufficient ability to bring up the child, and that the interests of such child will be promoted by the adoption, make an order authorizing such person making the application to adopt such child. Provided that nothing herein contained shall be deemed to prohibit the adoption of any child by any person of good repute who is forty years older than such child, subject, nevertheless, to the said evidence and consent, and to the satisfaction of the District Judge in manner aforesaid.*

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, *and, except by husband and wife, as herein, no child shall be adopted by more than one person.*

Adopted child.

5. When such order has been made the adopted child shall, for all purposes, civil, criminal, *and all advantages and benefits and other legal consequences of the natural relation of parent and child,* and otherwise howsoever, be deemed in law to be the child born in lawful wedlock of its ~~adopted~~ *adopting* 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~~ *adopting* parent by virtue of any deed, ~~document,~~ *will,* or instrument whatsoever prior to the date of such order, unless it be expressly so stated in such deed, ~~document,~~ *will,* or instrument; *nor be entitled to take property expressly limited to the heirs of the body or bodies of the adopting parents, nor property from the lineal or collateral kindred of such parents by right of representation; nor acquire any property vested or to become vested in any child of lawful wedlock of such adopting parent, in the case of intestacy of such last-mentioned child, or otherwise than directly through such adopting parent.*

Adopting parent.

6. When such order has been made the ~~adopted~~ *adopting* parent shall, for all purposes, civil, criminal, and otherwise howsoever, be deemed in law to be the parent of such adopted child, *and subject to all liabilities affecting such child as if such child had been born to such ~~adopted~~ *adopting* parent in lawful wedlock; and such order shall thereby terminate all the rights and legal responsibilities and incidents existing between the said child and his or her natural parents, except the right of such child to take property as heir or next of kin of his or her natural parents, directly or by right of representation.*

New clauses.

Regulations.

7. Any person aggrieved by an order, denial, or decree of the Court in such petition, may, either upon matter of law or fact, appeal therefrom to the Supreme Court in like manner as appeals are now taken to the Supreme Court, and thereupon such petition, and the proceedings thereupon, shall be transferred into the Supreme Court; and the Supreme Court shall thereupon make such order in regard to such petition, and the order, denial, or decree made thereupon, as shall be just, and such order of the Supreme Court shall be final.

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8. Upon the application of the manager for the time being of any institution established in connection with any religious denomination, and not maintained by Government subsidy, who is desirous of adopting any deserted child in connection with such institution, the District Judge of the district wherein such institution is situated, on being satisfied—

(1.) That such child is deserted, and of the same religious denomination as that of the institution whose manager makes the application ; and

(2.) That such institution is properly conducted, and is capable of properly bringing up such child,
may make an order authorizing the manager for the time being to adopt such child in connection with such institution, such child retaining his or her own name, and in no manner inheriting or succeeding to any property, real or personal, or otherwise howsoever, of such manager or institution.

9. Sections *four, five, and six* shall in no way apply to the case of any child adopted as in section *eight* of this Act, except as to the determination on such order of all rights of natural parents, and as to the rights of such child to take property, as respectively stated in section *six* of this Act :

Provided such child shall be entitled to the support, maintenance, education, and advancement afforded by such institution, and all such other rights, benefits, privileges, and advantages appertaining thereto, and which it shall be the duty of the person or body managing or controlling the said institution to provide.

10. The order of adoption shall confer the name of the adopting parent on the adopted child, in addition to the proper name of the latter.

11. The Governor may make, and from time to time alter and revoke, 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,~~ *District Judges,* and for prescribing *the mode of registering and keeping a proper register of all such orders, and also for prescribing the fees to be paid in respect thereof. of such procedure and registration.*