

**1956/169**

## THE ADOPTION REGULATIONS 1956

C. W. M. NORRIE, Governor-General

### ORDER IN COUNCIL

At the Government Buildings at Wellington this 16th day of October 1956

Present:

THE RIGHT HON. S. G. HOLLAND PRESIDING IN COUNCIL

PURSUANT to the Adoption Act 1955, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

### REGULATIONS

#### *Title*

1. These regulations may be cited as the Adoption Regulations 1956.

#### *Interpretation*

2. In these regulations, unless the context otherwise requires,—
  - “Applicants” includes a sole applicant;
  - “Court” means a Magistrate’s Court.

#### *Application*

3. These regulations shall apply only to applications made to a Magistrate’s Court.

#### *Records*

4. (1) The Registrar of every Magistrate’s Court shall keep an Adoptions Register in which shall be entered a record of all applications made in that Court under the Adoption Act 1955 and a minute of all decisions given and all orders made or issued in consequence of any such application.

(2) A minute of any decision given or of the making or issuing of any such order shall also be made on the relative file and shall be signed by the Magistrate or Registrar by whom the decision was given or the order was made or issued.

5. (1) The Minister of Justice may from time to time direct in writing that any specified adoption records in any Court or Courts shall be transferred for custody to the office of the Registrar-General appointed under the Births and Deaths Registration Act 1951; and the person having the custody of any such specified records shall upon receipt of the direction forthwith deliver the records to the said Registrar-General.

(2) The said Registrar-General shall be deemed to be the officer having the proper custody of any records entrusted to him in pursuance of any such direction.

*Application for Adoption Order*

6. Every application for an adoption order shall be in the form No. 1 in the First Schedule to these regulations.

*Report as to Character of Applicants*

7. Before furnishing the report required by section 10 (1) of the Adoption Act 1955, a Child Welfare Officer shall make inquiries of the Police as to whether anything is known to them about the character of the applicants.

*Affidavit by Applicants*

8. (1) At any time before the date of hearing of an application for an adoption order there shall be filed in the Court an affidavit by the applicants—

- (a) Stating their ages:
- (b) Giving information as to their state of health:
- (c) Giving particulars of their financial circumstances:
- (d) Stating the sex, age, and state of health of any child of the applicants or either applicant:
- (e) Where there are two applicants or where the applicant is married, showing the likelihood of any children being born to the applicants or applicant in the future:
- (f) Showing the relationship (if any) of the child to be adopted to the applicants or either applicant:
- (g) Stating the period (if any) that the child has been living with the applicants or either applicant:
- (h) Stating that, with the exception of any payment or reward for which the Court's consent has been obtained or is being asked, no payment or reward in consideration of the adoption or of the making of arrangements for the adoption has been or is to be made to or by the applicants or either of them or (to the knowledge of the applicants or either of the applicants) to or by any other person:
- (i) Containing a statement or undertaking, as the case may be, in relation to any religious condition imposed by any parent or guardian under subsection (4) or subsection (6) of section 7 of the Adoption Act 1955:
- (j) Unless such evidence has been or is to be given by anyone else, providing any evidence that is necessary to show that no consent required by the Adoption Act 1955 is lacking:
- (k) Stating whether the applicants or either of them has ever been refused an order on an application for adoption.

(2) A certified copy of the entry relating to the birth of the child proposed to be adopted and, where there are two applicants, a certified copy of the entry relating to their marriage shall be lodged in the Court before the hearing of the application:

Provided that the production of either the birth certificate or the marriage certificate or both of them may be excused by the Court if in its opinion there are sufficient grounds for doing so.

### *Consent to Adoption*

9. (1) Except where it is given by the Superintendent of Child Welfare, the consent of every parent or guardian of the child proposed to be adopted shall be in the form No. 2 or form No. 3 in the First Schedule to these regulations. Where the consent is given in form No. 3 and does not give the Court number of the application, evidence shall be furnished identifying the applicants as the persons to whose adoption of the child the consent has been given.

(2) A consent required by the Act shall not be witnessed by the solicitor acting for the applicants.

### *Attendance of Parties*

10. Unless the Court directs otherwise, the applicants and the child proposed to be adopted shall attend personally before the Court at any hearing of the application for adoption or at any hearing by the Court of the application for the issue of an adoption order.

### *Notice of Making of Interim Order*

11. On the making of an interim order the Registrar shall send to the applicants a notice in the form No. 4 in the First Schedule to these regulations; and, unless the Child Welfare Officer was present at the hearing, shall notify him of the particulars of the order.

### *Application for Issue of Adoption Order*

12. Every application for the issue of an adoption order shall be in the form No. 5 in the First Schedule to these regulations.

### *Adoption Order*

13. An adoption order shall be drawn up by the Registrar in the form No. 6 or form No. 7 in the First Schedule to these regulations. The order shall be filed in the Court, and no copy shall issue out of the Court except as provided in section 23 of the Adoption Act 1955. Notice of the making or issue of the adoption order shall be given to the Child Welfare Officer concerned.

### *Application for Variation or Discharge of Adoption Order*

14. A copy of any application for variation or discharge of an adoption order shall be served on such persons as the Court directs.

### *Fee*

15. The only fee to be taken in proceedings under these regulations shall be a fee of £1 for each child proposed to be adopted, the fee to be paid on the filing of the application for an adoption order.

### *Forms*

16. Where any form in the First Schedule hereto is prescribed or authorised to be used, such variations may be made therein as the circumstances of any particular case may require.

*Revocations and Savings*

17. (1) The rules specified in the Second Schedule to these regulations are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

FIRST SCHEDULE

Reg. 6 APPLICATION FOR AN ADOPTION ORDER Form 1  
(Title as in form No. 2 or form No. 3)

(WE) (I), [Full name or names], of [Address, occupation], will apply to the Magistrate's Court at ..... on [To be filled in by the Registrar] day, the ..... day of ..... 19...., at ..... a.m., to adopt [Full name], a [Sex] child, born at ..... on the ..... day of ..... 19....

We desire that on the making of an adoption order the names of the child shall be .....

Dated at ..... this ..... day of ..... 19....

Signature:..... Signature:.....

Reg. 9 CONSENT TO ADOPTION ORDER Form 2  
(General Form)

In the Magistrate's Court held at ..... In the matter of the Adoption Act 1955;

and

In the matter of an application by ..... to adopt .....

(WE) (I), [Full name or names], of [Address, occupation], the parents (or the mother or the father or the guardian) of [Full name], a [Sex] child, born at ..... on the ..... day of ..... 19...., hereby consent to an order being made for the adoption of the said child by [Full name], of [Address, occupation], \*and [Full name], his wife.

We/I have read the explanation set out below of the effect of an order.

Signed by the said ..... on the ..... day of }  
..... 19...., in the presence of †— }  
A. B.

[Occupation and address].

Signed by the said ..... on the ..... day of }  
..... 19...., in the presence of †— }  
C. D.

[Occupation and address].

\*Delete if inapplicable. †Witness must be one of the persons specified in section 7 (8) of the Adoption Act 1955.

FIRST SCHEDULE—*continued**Effect of Adoption Order*

Upon the making of an adoption order—

- (a) The child is deemed for all purposes and as regards all relationships to become a legitimate child of the adoptive parents;
- (b) Rights of guardianship and existing relationships in respect of the child cease except for the very special purpose of determining forbidden relationships in connection with marriage and with the crime of incest;
- (c) Rights in respect of property and succession to property are determined according to the relationships created by the adoption, but property rights acquired before the adoption are not affected;
- (d) Any affiliation order or maintenance order or agreement which provides for maintenance of the child, if made before the adoption order, ceases to have any effect except as to arrears owing and except where the child is adopted by the mother or by the mother and her husband:

Provided that, where the child is adopted by the mother or by the mother and her husband, the adoption does not prevent the making of any affiliation order or maintenance order which could previously have been made or prevent the mother from making an application for an affiliation order or a maintenance order;

- (e) The domicile of the child is changed to that of the adoptive parents, but the child's race, nationality, and citizenship are not affected.

*Certificate by Witness*

I hereby certify that before the said ..... signed the foregoing consent I fully explained to him (*or her or them*) the effect of the making of an adoption order as set out in the Adoption Act 1955, and that he (*or she or they*) appeared fully to understand the same.

*Signature:*.....

Reg. 9

CONSENT TO ADOPTION ORDER

Form 3

(WHERE IDENTITY OF APPLICANTS IS NOT KNOWN)

In the Magistrate's Court  
held at .....

In the matter of the Adoption Act  
1955;

and

In the matter of an application to  
adopt .....

(WE) (I), [*Full name or names*], of [*Address and occupation*], the parents (*or the mother or the father or the guardian*) of [*Full name*], a [*Sex*] child, born at ..... on the ..... day of ..... 19...., hereby consent to an order being made for the adoption of the said child by the applicant or applicants named in Application No. ...., (*or the person(s) who are (or is) entitled to receive the said child for adoption in accordance with an approval which has been given by ....., a Child Welfare Officer*), \*subject to the following condition with respect to the religious denomination and practice of the applicants or any applicant or as to the religious denomination in which the applicant or applicants intend to bring up the child:

FIRST SCHEDULE—*continued*

We/I have read the explanation set out below of the effect of an order.

Signed by the said ..... on the ..... day of }  
 ..... 19....., in the presence of †— }

A. B.

[*Occupation and address*].

Signed by the said ..... on the ..... day of }  
 ..... 19....., in the presence of †— }

C. D.

[*Occupation and address*].

\*Delete reference to religious condition if inapplicable.

†Witness must be one of the persons specified in section 7 (8) of the Adoption Act 1955.

*Effect of Adoption Order*

Upon the making of an adoption order—

- (a) The child is deemed for all purposes and as regards all relationships to become a legitimate child of the adoptive parents;
- (b) Rights of guardianship and existing relationships in respect of the child cease except for the very special purpose of determining forbidden relationships in connection with marriage and with the crime of incest;
- (c) Rights in respect of property and succession to property are determined according to the relationships created by the adoption, but property rights acquired before the adoption are not affected;
- (d) Any affiliation order or maintenance order or agreement which provides for maintenance of the child, if made before the adoption order, ceases to have any effect except as to arrears owing and except where the child is adopted by the mother or by the mother and her husband:

Provided that, where the child is adopted by the mother or by the mother and her husband, the adoption does not prevent the making of any affiliation order or maintenance order which could previously have been made or prevent the mother from making an application for an affiliation order or a maintenance order;

- (e) The domicile of the child is changed to that of the adoptive parents, but the child's race, nationality, and citizenship are not affected.

*Certificate by Witness*

I hereby certify that before the said ..... signed the foregoing consent I fully explained to him (*or her or them*) the effect of the making of an adoption order as set out in the Adoption Act 1955, and that he (*or she or they*) appeared fully to understand the same.

*Signature*:.....

FIRST SCHEDULE—continued

Reg. 11

Form 4

NOTICE TO APPLICANTS

(Title as in form No. 2 or form No. 3)

To:.....[Full name], of ..... [Address, occupation], \*and [Full name], his wife.

On ..... 19..... the Court made an order in relation to your application to adopt [Full name]. The order was an interim order only as required by the Adoption Act 1955, and while it remains in force the following conditions apply:

- (a) You are entitled to the custody of the child \*on the following terms:
- (b) Any Child Welfare Officer may, at all reasonable times, visit and enter the residence in which the child is living:
- (c) The child is not to be taken out of New Zealand without leave of the Court:
- (d) You must give to a Child Welfare Officer at least seven days' notice before changing your residence:

Provided that where an emergency makes any immediate change necessary it will be sufficient if you give notice within forty-eight hours after leaving your previous residence.

The interim order is not an adoption order. An adoption order cannot be obtained until after a further application has been made to the Court after an interval of ..... The application to the Court for the issue of the adoption order may be made after ..... 19..... \*if the child has then been continuously in your care for not less than ..... since the date on which the interim order was made or since such earlier date (if any) as the placing or receiving or keeping of the child in your home for the purpose of adoption was approved by a Child Welfare Officer.

The application to the Court for the adoption order must be made before the ..... 19..... The interim order will lapse on that date if an adoption order has not been made, and unless you are otherwise entitled to keep the child he/she may be then be taken away from you.

.....  
Registrar.

\*Delete if inapplicable.

FIRST SCHEDULE—continued

Reg. 12

Form 5

APPLICATION FOR THE ISSUE OF AN ADOPTION ORDER AFTER AN INTERIM ORDER HAS BEEN MADE

(Title as in form No. 2 or form No. 3)

THE applicants hereby apply for the issue of an adoption order and state as follows:

- (1) The interim order is in force and has continued in force for not less than [Set out the prescribed period fixed by or in accordance with section 13 of the Adoption Act 1955].
- (2) [Where the child is under the age of fifteen years state facts to show that paragraph (b) of section 13 (1) of the Adoption Act 1955 has been complied with.]

Dated at ..... this ..... day of ..... 19.....

Signatures:.....

To the Registrar,  
Magistrate's Court,  
.....

This application will be heard on [Date].

.....  
Registrar.

Reg. 13

Form 6

ADOPTION ORDER

(WHERE ISSUED BY REGISTRAR)

(Title as in form No. 2 or form No. 3)

WHEREAS on the application of [Name, address, and occupation], \*and [Name], his wife, an interim order was made by ..... Esquire, Stipendiary Magistrate, for the adoption of [Full name], a [Sex] child, born at ..... on the ..... day of ..... 19....., and the order specified that after the adoption order the child's name would be .....

Now it is ordered that the said ..... be and he/she is hereby adopted by the said ..... and shall henceforth bear the name of .....

Dated at ..... this ..... day of ..... 19.....

.....  
Registrar.

[SEAL]

\*Delete if inapplicable.



FIRST SCHEDULE—*continued*

Reg. 13

Form 7

## ADOPTION ORDER

(WHERE DEALT WITH FINALLY BY THE COURT)

(Title as in form No. 2 or form No. 3)

UPON the application of [*Name, address, and occupation*], \*and [*Name*], his wife, it is ordered by ..... Esquire, Stipendiary Magistrate, that [*Full name*], a [*Sex*] child, born at ..... on the ..... day of ..... 19...., be and he/she is hereby adopted by the said ..... and shall henceforth bear the name of .....

Dated at ..... this ..... day of ..... 19....

[SEAL]

Registrar.

\*Delete if inapplicable.

## SECOND SCHEDULE

Reg. 17

## RULES REVOKED

Title	Gazette Reference or Statutory Regulations Serial Number
Rules under Part III of the Infants Act 1908 (relating to the adoption of children) .....	<i>Gazette</i> 1912, Vol. I, p. 828.
Additional rule under Part III of the Infants Act 1908 (relating to the adoption of children) .....	<i>Gazette</i> 1916, Vol. III, p. 3139.
The Infants Act (Adoption Fees) Rules 1937 .....	S.R. 170/1937.
Rule under Part III of the Infants Act 1908 .....	S.R. 1940/270.

T. J. SHERRARD,  
Clerk of the Executive Council.

## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations prescribe procedure to be followed and forms to be used in connection with applications for adoption that are made in a Magistrate's Court.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 18 October 1956.

These regulations are administered in the Department of Justice.