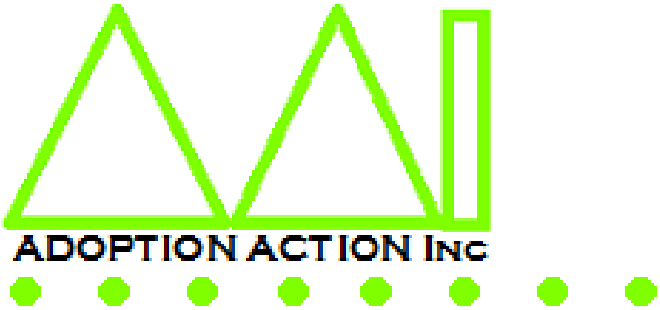

ADOPTION NEWS AND

DECEMBER 2010 **2010/4**

Adoption News and Views is a quarterly newsletter which aims to provide information about adoption of children and about any legal and policy developments affecting adopted children parents who relinquish a child for adoption and people who adopt a child. It will also provide progress reports on efforts by individuals and groups pressing the government to give a higher priority to enacting new legislation to replace the out of date Adoption Act 1955 and to bring the Adult Adoption Information Act 1985 and the Adoption (Intercountry) Act 1997 into line with the Convention on the Rights of the Child and the anti-discrimination provisions in Human Rights Act 1993 and NZ Bill of Rights Act. 1990.

Newsletters will be sent out four times a year. Back issues can be sent by email on request. The main purpose of the newsletter is to provide up-to-date information on current NZ adoption laws, policies and practices and on any proposed changes. Adoption reform developments overseas will also be covered. It is hoped that the Newsletter will also provide a forum for people to discuss adoption issues. Contributions including reviews of books, films etc touching on adoption are invited.

Adoption News and Views is sent to you because you are believed to be a person interested in adoption. If you do not want to receive further issues you should reply to this email indicating this. If you know of others who would like to receive future issues or you or others would like to submit news or views for inclusion in the next newsletter you can reply to this email or ask interested others to do so.

While the aim of this newsletter is to provide an open forum for people interested in adoption issues, the editors reserve the right to decline or abridge any contributions offered.

With very best wishes for 2011.

Robert Ludbrook
Susan Marks Editors
NEW ZEALAND NEWS

New Zealand's adoption laws to come under scrutiny of United Nations Committee

Children and Youth Aotearoa (ACYA), the umbrella group representing New Zealand non-government organisations, was represented at the pre-sessional working group of the United Nations Committee on the Rights of the Child held in Geneva on 7 October 2010. In its Summary Report to the Committee ACYA advised that:

> "The archaic Adoption Act 1955 is yet to be updated and is in urgent need of review and necessary reform as recommended by the Law Commission in 2000. The current Government has indicated that this is a low priority."

The UN Committee which oversees compliance with the Convention on the Rights of the Child (UNCROC) is expected to consider the New Zealand government report on 18 January 2011 as part of its five yearly review of New Zealand's progress towards full implementation of the Convention. In its last review in October 2003 the Committee welcomed a government assurance that New Zealand was about to reform its adoption laws. Immediately afterwards, work on adoption law reform was suspended and no visible progress has since been made. The government will have to explain to the Committee its reasons for the failure to do what seven years ago it told the Committee it was about to do.

Human Rights Commission report highlights need for adoption reform

In December 2010 the Human Rights Commission released its second five yearly report mapping the extent to which human rights are promoted, protected and implemented in New Zealand. The report *Human Rights in New Zealand 2010 Ngä Tika Tangata O Aotearoa* assesses how well New Zealand meets international human rights standards and where it falls short. The full report runs to over 300 pages and is a comprehensive overview of human rights in New Zealand today. There is a separate section on the rights of children and young people dealing with a range of issues including the rights of children under adoption laws. The report states at page 243 that:

> "New Zealand's adoption legislation has been criticised as out of date and in urgent need of reform. Changes are required to bring the law into line with modern adoption practices and with UNCROC, as noted in the UN Committee on the Rights of the Child's previous recommendations regarding adoption and the application of Article 12.
>
> Current shortcomings include:
> - Children do not have the opportunity to be heard and have their views given due weight.
> - Adopted children have no right to information about, or access to, their biological parents.
> - The best interests of the child are not a paramount consideration.
> - There is no power for adopted children to preserve at least one of their original names.
> - Consent of birth parents is often given without independent advice or counselling."

The report identifies as a priority for government action the need to ensure that legislation reflects New Zealand's obligations under UNCROC, including the need to: review adoption

legislation. The need for reform of the Adoption Act is also highlighted in Chapter 14 dealing with the rights of gender and sexual minorities commenting at page 312 that:

> "The Adoption Act 1955 provides that 'two spouses' or any individual, regardless of their sexual orientation, are eligible to adopt in New Zealand. The term 'spouses' has been interpreted as enabling only married couples to adopt jointly. In June 2010, the High Court had to consider whether the expression 'spouses' in section 3 of the Adoption Act 1955 can include a man and a woman who are unmarried but in a stable and committed relationship. It decided that such an interpretation was permissible and that reading 'spouses' to mean that only married couples may adopt jointly seemed to discriminate against other types of relationships which were commonplace in New Zealand. However, the court limited its consideration of the issue to heterosexual opposite-sex couples, the status of the applicants in this case.
>
> The current legal position, therefore, is that same-sex couples are unable to jointly adopt a child. Given that a lesbian woman or gay man can apply to adopt a child as a sole applicant, and that same-sex couples can share the parenting of a child as legal guardians, it is anomalous and discriminatory under the Human Rights Act and the Bill of Rights Act that a same-sex couple cannot adopt a child jointly. Other countries have recently changed their law to permit same-sex couples to adopt a child jointly. In England and Wales, the Adoption and Children Act 2002 broadened the eligibility criteria to allow unmarried couples, including same-sex couples, to adopt a child. Scotland has also recently followed the same path. It is time for New Zealand to follow suit by amending the Adoption Act to permit same-sex couples to jointly adopt a child, as part of reforms to this act making the best interests of the child the paramount consideration.
> The Human Rights Commission has identified as a priority for action the need to complete the legislative steps required for formal legal equality of same-sex and transgender couples, including the right to found and form a family, regardless of sexual orientation or gender identity."

Editors comment

A point not mentioned by the Human Rights Commission is that it is possible for gay couples to assume full parental rights in relation to a child conceived as a part of a surrogacy arrangement. InternatIonal publicity has been given to the baby Zachary commissioned by Sir Elton John and his partner David Furnish and gestated by a surrogate mother in California. It is illegal in Britain (and in New Zealand) to pay money to a surrogate mother to have a child but it is legal in California and some other states of the United States. A news item in the Dominion Post states that male couples in England have for more than a decade been becoming the parents of children by paying American egg donors and surrogate mothers at a total cost of between $50,000 and $170.000.

The acquisition of children by means of paid egg donors and surrogate mothers raises complex ethical and legal issues. In New Zealand, the offence under ss 13 and 14 Human Assisted Reproductive Technology Act 2004 of giving or receiving money for egg donation or for participation in a surrogacy arrangement does not have extra-territorial effect and provided the child is conceived and born overseas it is doubtful that New Zealand commissioning parties could be charged.

Source: Dominion Post 4/1/11 B5 O Craig *Meet Dad and Dad: A morality tale for our times*.

Proposed changes to Adoption Act to discourage sale and trafficking of children

The Child and Family Protection Bill 2009, currently before Parliament is mainly concerned with the protection children from violence and abuse but it will also make changes to the Adoption Act. These changes have been deemed necessary to enable New Zealand to ratify the Optional Protocol to UNCROC on the Sale of Children, Child Prostitution and Child Pornography. The Bill, introduced in February 2010, was expected to be passed into law in December 2010 but the debate on the Bill at Committee stage was adjourned from 21 October and was not completed before the house rose in December.

The proposed amendments to the Adoption Act are uncontroversial and will strengthen the provisions of the Act in relation to the procuring parental consents to an adoption order. It will apply to consent obtained from parents living overseas as well as those living in New Zealand. In summary the changes will:

- Create a new offence of inducing a person by fraud, duress, undue influence (by payment or otherwise), or other improper means to consent to the adoption of their child. The offence will carry a maximum penalty of seven years imprisonment;
- If an offence is proved the child can be moved to a place of safety and restored to the consenting parent or guardian or placed in alternative care;
- The offence will have extraterritorial effect. This means that if it is committed by a NZ citizen or resident or if the person whose consent is procured is a NZ citizen or resident criminal proceedings may be brought in this country even though the offence was committed outside New Zealand. The offender will be able to be extradited to New Zealand;
- An amendment proposed in Select Committee would enable a New Zealand company or body corporate to be charged with the new offence.

If a conviction is obtained after an adoption order is made this does not discharge the adoption order. If the adoption order is made in the NZ Family Court an application can be made to discharge the adoption order. If the adoption is made overseas it will depend on the law of the country concerned whether the adoption order can be discharged.

In the Parliamentary debates on the Bill no examples were given of cases where New Zealanders had obtained parental consent to an adoption by improper means. Most adoptions by New Zealanders of children from overseas countries are regulated by the Hague Convention on Intercountry Adoption and there are checks and safeguards in place to ensure that the consents of parents have been freely given. Where children are adopted from non-Hague countries there are no equivalent checks and safeguards. Neither Child, Youth and Family nor the New Zealand Family Court will be involved. There is a risk in non-Hague adoptions that improper consents may be obtained by overseas adoption intermediaries. It is unlikely that the proposed amendments will have any practical effect in terms of adoptions from such countries. A far more effective safeguard would be to amend our Adoption Act so that only adoptions of children from Hague countries will be recognised as valid adoptions under New Zealand law. Submissions to this effect were made to the Select Committee considering the Bill but obviously did not find favour.

Editor's comment
It is frustrating that so much attention is being given to minor amendments to the Adoption Act which will have little or any practical effect in order to clear the way to ratifying an optional protocol to UNCROC when no attempt being made by government to give children fundamental rights to which they are entitled under UNCROC, .including:

- The opportunity to be heard and have their views given due weight.
- The right to information about, and contact with their biological parents;
- Their best interests should be the paramount consideration when adoption decisions are made;
- They should be able to retain at least one of their original names
- Parents under 18 years should not be able to give an irrevocable consent to the adoption of their child unless they have received independent information, advice and counselling.and until at least 21 days has elapsed since the birth of their child.

A Tribute to Keith Griffith MBE

Keith Griffith has earned the title of Mr New Zealand Adoption. A large part of his life has been devoted to researching and writing about adoption matters including the compilation and regular updating of his monumental work *New Zealand Adoption: History and Practice Social and Legal 1840 -1996.* Keith, a Methodist Minister, has always been generous in sharing his writing and his unparalleled knowledge of adoption law and practice. He donated copies of his books to many New Zealand public libraries and law libraries. Keith has been a regular guest lecturer at University of Otago Law School and has been a one man Adoption Advice Bureau for decades, always happy to assist individuals with personal inquiries as well as help adoption researchers and others with an interest in adoption. Keith is one of the founding members of Adoption Action Inc and has attended meetings with two Ministers of Justice pressing the need for adoption reform..

Keith also has an international reputation as an adoption expert and as a strong advocate for open adoption. His book *The Right to Know Who You Are: Reform of Adoption Law With Honesty, Openness and Integrity* was published in Canada in 1991 and is a classic. Keith was himself an adopted child and in the Preface to *The Right to Know* described how his personal experiences led to his commitment to adoption reform:

> "It was a Sunday morning. Church bells were ringing. A birth mother in the last stage of labor, wishing she was in church rather than enduring the birth pains of her child. It was a rough time. The baby was to be given up for adoption. As soon as the child was born they tried to whip it away. She cried out to see her child. They denied her legal rights and pressed a pillow over her head. She managed to get hold of a foot and held on but her eyes never did see the child,
>
> Next day the baby was advertised. It appeared in the wrong column, between tins of paint and umbrellas; it provoked a good response! The child was placed with a farm family and with love and care had an enjoyable childhood. Adoption has its problems but served the child well. But the struggle of the child's entrance into the world never ceased.

> The birth mother struggled with unresolved grief. She never forgot; she prayed daily for the child that grew, was educated, married, raised a family and did many things.
>
> The adoptee's birth struggle became a life long struggle for adoption reform. He became one of the leaders in a reform movement that won the struggle in [New Zealand]… He travelled to Canada, USA and England at his own expense, encouraging others in understanding adoption and the need for reform based on openness and integrity.
>
> She was my birth mother, I am the child. This book is part of the ensuing struggle."

Keith is 80 years of age and facing a serious illness. New Zealand owes him a huge debt for his courage, generosity, kindness and his great sense of humour.

Constitutional review to look at Maori whangai placements

An announcement was made by the Prime Minister John Key and the Maori Party Co-leader Dr Pita Sharples on 8 December 2010 that a Constitutional Review Team was to be established to review issues around New Zealand's constitution including the role of the Treaty of Waitangi. This announcement followed a post-election agreement between the National and Maori Parties. Dr Sharples has indicated that the review would consider the recognition of Maori customs and specifically to the Maori custom of whangai placements (sometimes referred to as "informal adoptions") which have been and still are a widespread practice among Maori whanau but not recognised by law. The Adoption Act 1955 provides in s19 that no adoption in accordance with Maori custom shall be of any force or effect.

New Zealanders will again be able to adopt Russian children by NZ6/1/2011

Social Development Minister Paula Bennett has welcomed an arrangement allowing New Zealand families to apply to adopt Russian children. In July ICANZ (Inter Country Adoption New Zealand) received a permit from Russia to operate an adoption programme. Since then, Government officials from both countries have met to clarify how the process will work. Russian children in need of adoptions are likely to be school aged and may have health needs or disabilities.

Russian adoptions were suspended in 2006 due to uncertainties with the process, and work began on strengthening adoption protocols in Russia. New Zealand is party to the Hague Convention on intercountry adoptions, but Russia is not. Russia has now agreed to a process that is consistent with that mandated by the Hague Convention. ICANZ has since 1992 assisted New Zealanders to adopt more than 670 Russian children.

Change to guidelines open way to conception with both donated sperm and eggs

The Health Minister Tony Ryall has announced new guidelines which will open the door for those wanting to have a baby using donor sperm and donor eggs. The new guidelines will allow donated sperm to be used to fertilise donated eggs in the laboratory. The embryos would then be implanted.

In New Zealand, people wanting to have a baby can currently use either a sperm donor or an egg donor but not both because there would be no biological connection to the child. Under the new guidelines, people wanting to use both a sperm and egg donor would apply to the assisted reproductive technology ethics committee, which would decide on each case individually.

Source: NZPA December 2010.

Visit by Japanese adoption researcher

Professor Fumio Tokotani, a Japanese Professor of Family Law at Osaka University, has a special interest in the comparative study of laws relating to the adoption of children. He has been receiving *Adoption News and Views* for two years and is the first overseas member of Adoption Action Inc. Professor Fumio Tokotani is planning to visit Wellington on 23 to 25 February 2012 and has indicated his willingness to meet with members of Adoption Action and brief them on Japanese adoption law and practice. Members will be advised of date and venue of the meeting.

OVERSEAS NEWS

Australia

Western Australia government apologises to birth mothers for past adoption practices

The Premier of Western Australia, Mr CJ Barnett, on 19 October 2010 made a formal apology in Parliament to women in the State who had been harmed by past adoption practices. This is believed to be the first government apology to mothers who lost their children to adoption.

The formal apology was in the following terms:

(1) that with regards to past adoption practices, it is now recognised that from the 1940s to the 1980s the legal, health and welfare system then operating in Western Australia, in many instances, did not strike the correct balance between the goal of minimising the emotional and mental impact of the adoption process on unmarried mothers, with the goal of achieving what was considered at the time to be in the best interests of the child;

(2) that processes such as the immediate removal of the baby following birth, preventing bonding with the mother, were thought at the time to be in the mother's and the child's best interest;

(3) that this house recognises that in some cases such practices have caused long term anguish and suffering for the people affected, and

(4) that the Parliament acknowledges that previous Parliaments and governments were directly responsible for the application of some of the processes that impacted upon unmarried mothers of adopted children, and now apologises to the mothers, their children and their families who were adversely affected by these past adoption. practices, and I express my sympathy to those individuals whose interests were not best served by the policy of those times..

The leader of the Opposition, speaking on behalf of the State Labour Party added:

> "Today we recognise the experiences of those mothers who were pressured into relinquishing their babies when they were emotionally vulnerable and under duress. Past adoption practices were wrong. The legal, health and welfare systems of this state were not supportive of young unwed mothers and many people were wrongly subjected to government intervention that would have lasting and very personal consequences. The way so many adoptions were carried out across the 1940s through to the 1980s was a judgment made according to the values of the time. If we were to be presented with these issues today, both the government and the opposition would take a different policy approach.
>
> What happened across those years is not condoned by anyone in this house. The removal, forcible or otherwise, of babies from their mothers who were under duress is not condoned. Whatever the circumstances of so many of these women, they were not able to give informed consent. Society at the time believed that these young unmarried women chose to give up their babies, but it is unimaginable that any consent could have been informed consent. Traumatic birth experiences, a lack of information, emotional vulnerability, and extreme pressure from higher authorities—including doctors, matrons, lawyers and welfare officers—resulted in signed consent forms and consequences that would severely scar all involved for decades to come."

Other members of Parliament spoke in support of the apology drawing on their own experiences or reading out letters they had received from birth mothers and family members.

It was said in Parliament that mothers were sometimes told they were amoral. At birth, they could be blindfolded and heavily drugged and were not allowed to form any bond with their child. Often they were sent home from hospital and told to forget the birth had happened. Rhonda Maley was sent 400km from Geraldton to Perth to have her baby 46 years ago and was not even told she had had a girl. She and her daughter, Leonie Reynolds, have since reunited and were at parliament for the apology. Ms Maley said. "To give up a baby and never see it again, to have it taken away from you, it's not humane."

Source:
www.parliament.gov.wa/web/newwebparl.nsf/iframewebpages/hansard++daily+transcripts

Australian Commonwealth

Green party seeks Commonwealth government apology for forced removal of children

A Green party motion calling for an apology and a national inquiry into the forcible removal of babies from young unmarried women was passed by the Australian Commonwealth Legislative Assembly in December 2010. The Legislative Assembly was told that between the 1940s and 1980s right across Australia children were forcibly removed from young mothers and that in recent years there had been a national push to recognise a tragic part of Australia's history and apologise for the trauma caused. The forcible removal of babies had

caused long-term anguish and suffering for the people affected and the right thing to do was to formally apologise to the mothers.

The Senate Community Affairs Committee is to examine the Commonwealth Government's role in forced adoption polices from the late 1940s until the 1980s.The terms of reference require the Committee to inquire into:

(a) the role, if any, of the Commonwealth Government, its policies and practices in contributing to forced adoptions; and

(b) the potential role of the Commonwealth in developing a national framework to assist states and territories to address the consequences for the mothers, their families and children who were subject to forced adoption policies.

Also under way is a Commonwealth Inquiry into Donor Conception which is examining the plight of donor offspring. Thousands of people conceived using donated gametes (sometimes referred to as the “donated generation”) have been denied knowledge of their biological kinship, heritage, family health history and conception.

Source::http://www.aph.gov.au/Senate/committee/clac_ctte/comm_contrib_former_forced_adoption/info.html

Adoption by gay male partners

Adoption by gay male partners has been permitted in New South Wales since September 2010. The first adoption orders in favour of a gay male couple were made by the NSW Supreme Court in mid-December 2010. The Judge hearing the case took the unusual step of publishing his reasons for the decision. The two children (a boy aged 9 and a girl aged 5) were born to a young woman who had a history of substance abuse. They had been taken into care and placed with the applicants as foster carers. The mother had had no contact with the children for four years and the children’s fathers had not met their children. A consultant psychologist described the applicants as “experienced, highly skilled and creative” parents. The Judge described them as exemplary parents observing that the children were happy and outgoing in court and by their body language showed their attachment to their new parents. The children called one parent Dad and the other Papa.

The Judge was mindful of the debate surrounding same-sex adoption but commented that the law did not require that the Court take a specially cautious approach to such adoptions and must decide what was in the best interests of the children.

Source: Sydney Morning Herald 16/12/10 p3

Canada

In Canada, a donor-conceived adult in British Columbia is fighting for donor-conceived people to be granted parity with adoptees in their right to access records and identifying information about their genetic parent(s).

Editor's Comment:
In New Zealand donor offspring have greater rights to information about their biological parents than adopted people. They are entitled to this information at age 18 years or if the Family Court approves at age 16. Adoptees are entitled for far less information and this is only available at age 20 years.

United Kingdom

Cost to British women of conceiving by AHR

A survey has shown that British women are prepared to spend an average of £15,000 in order to conceive a child by assisted human reproduction with one in ten willing to spend over £50,000 on fertility treatment.

The survey, carried out for *Red* magazine as their Red Annual National Fertility Report, asked 2,000 women aged between 30 and 45 about fertility treatment. According to the results published in the October edition of the women's fashion and lifestyle magazine, 38 per cent of women indicated they had struggled to conceive. One in ten had sought some form of fertility treatment, with the average amount spent at £8,678.

Source: BioNews 575 13/9/10

NZ COURT DECISIONS

Order for guardianship of children under Sharia law recognised as equivalent to adoption for NZ immigration purposes

Section 17 Adoption Act 1955 states that certain overseas adoptions will be recognised as having the same legal effect as New Zealand adoption orders. The qualifying criteria for recognition of adoptions made in the United States and Commonwealth countries are less demanding than those made in other overseas countries.

Countries which recognise Sharia law do not have adoption laws but most have legally recognised procedures by which the natural parents of a child can place their child in the care of a couples under an arrangement which is understood by all involved to be permanent.

The important New Zealand decision in *S & others v Attorney-Genera* 18/11/10, Allen J, Auckland High Court involved an application by Mr and Mrs S for declarations that orders made by a Court in Karachi had the effect of an adoption order for the purpose of s17. The applicants were a Pakistani-born married couple who were New Zealand citizens. They had been unsuccessful in having children of their own. Two pregnancies had not carried to full term and IVF treatment had been unsuccessful. They wished to adopt a child from their own background so that the child could be brought up in a manner consistent with their Muslim beliefs and cultural values. A Pakistani couple who were their close friends agreed to give Mr and Mrs S their newborn son to bring up as their own and the boy was taken into their home two days after birth. A Joint Deed was entered into between the natural parents of the child

and Mrs S declaring that the boy would thenceforth be treated as the adopted child of Mr & Mrs S and that the natural parents would cease to have any legal rights in respect of the child. Shortly afterwards the applicants and the natural parents obtained an order from a Court in Karachi making them the guardians of the child. and subsequently a birth certificate was issued in Pakistan naming the applicants as the child's parents.

The New Zealand Immigration Service refused to recognise the Pakistan guardianship order as being equivalent to an adoption and on that basis refused to grant entry clearance for the child to enter New Zealand. The issue which the High Court was asked to decide was whether the Joint Deed, the Karachi guardianship order and the birth certificate naming the applicants as the child's parents amounted to an "adoption" for the purposes of s17. The High Court noted that "adoption" was not defined in the Adoption Act but that it was well understood as meaning the permanent transfer of a child from the natural parents to another family thus creating a new parent-child relationship between the adoptive parents and the adopted child. The terms of the Deed made it clear that the intention was that the child be adopted and there was evidence given by a Pakistani lawyer that the adoption effected by the Deed was valid according to the law of Pakistan and that the arrangement gave the applicants a right superior to the birth parents in respect of the role of providing day to day care of the child. The birth certificate was further confirmation of this. The Court also found that Pakistan at the relevant time was a Commonwealth country and that it was not necessary to show that the applicants had superior rights in terms of inheritance in respect of the child.

Editor's Comment
It emerges from the judgment that the reason why Sharia law does not allow adoption of children is that Muslim precepts forbid the taking of any step which has the effect of altering family genealogy or denying the child's ancestry. It is of interest that Maori objections to our Adoption Act are along the same lines – that a Maori child's genealogy and whakapapa should not be irretrievably obliterated. The New Zealand Law Commission in its report *Adoption and its Alternatives: A Different Approach and a New Framework* NZLC R65 2000 noted that the majority of submissions on an earlier Issues Paper had agreed that adoption should not continue in its present form. It proposed that the legal fictions that the adopted child had been born to the adoptive parents and that the child was no longer the child of the natural parents be removed and that the legal effect of adoption should be the transfer of permanent parental responsibility to the adoptive parents. If the Adoption Act were to be amended along the lines proposed by the Law Commission it would bring it very close to the position under Maori customary practice and under Moslem Shariah law.

Adoption of older children

In general terms children who have reached an age at which children can leave home and live independently of their parents are less likely to have a need for a permanent family. In New Zealand, children cease to be under the guardianship of their parents at 18 years but any parenting order expires at age 16 years unless there are special circumstances. Children can leave home and work full time at that age. Nevertheless, the Family Court has made adoption orders in respect of 17, 18 and 19 year olds. An order was made in *Application by F & O* 23/10/09, Judge Rogers, Manukau Family Court in respect of a 19 year old who, after her

mother had died, had been brought up by her first cousin and her cousin's husband for more than 12 years. The Court found that adoption would be in the young woman's best interests. It would give her immigration status and allow her to continue her education in this country and to become fully part of the family that had cared for her since her mother's death. Under the Adoption Act rhe Family Court can make adoption orders in respect of children and young people under 20 years.

Consent issues in surrogacy adoptions

A surrogacy arrangement may involve in vitro fertilisation of an egg provided by a donor with the resulting foetus being transferred into the womb of the surrogate mother who, after birth, gives the baby to the commissioning parents. If the commissioning parents apply to adopt the child through the New Zealand Family Court questions arise whether the consent of the egg donor and/or the gestational mother are required. These questions fell to be decided by the Court in *Application by R* 17/8/10, Judge Ryan, North Shore Family Court. The applicants had obtained eggs from a donor through a Bangkok hospital and had made an arrangement with a Thai woman who agreed to carry the child conceived with the male applicant's sperm and a donor egg. The commissioning parents applied for an adoption order and the Court had to consider whether consent was necessary from the egg donor and/or the gestational mother.

Consent of egg donor
Section 17(2) Status of Children Act 1969 states that where a woman becomes pregnant with a donated ovum she is for all purposes a mother of the resulting child. Accordingly, the gestational mother and not the egg donor was the child's mother and no consent to adoption was required from the egg donor.

Consent of gestational mother
The gestational mother was the child's mother for all purposes by virtue of s17(2) Status of Children Act and her consent to an adoption order was required by s7(3) Adoption Act.

Adoption Research – request from Emma West for input from Maori adoptees

Kia ora,

I am currently conducting research for a Master of Philosophy degree which explores how Maori adoptees perceive their cultural identity and perceive Maori identity. I am seeking people of Maori racial descent born between 1955-1979 who were legally adopted by non-Maori at birth and raised without contact with their birth family, iwi or hapu. If you fit this category and you are willing to share your perceptions and experiences, then I would like to hear from you. Please send me an email and I will let you know what would be involved. Ideally it would also be good if you lived in the central North Island.

Many thanks,
Emma West Tel: 07 838 4466 ext 6404 Email: ewest@waikato.ac.nz

Robert Ludbrook, Susan Marks Editors 10 January 2011