

Version  
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## Adult Adoption Information Act 1985

Public Act      1985 No 127  
Date of assent    13 September 1985  
Commencement    see section 1

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Justice.**

*Approved persons and organisations*

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**An Act to provide for greater access to information relating to adoptions and to the parties to adoptions by adult adopted persons and their birth parents, and for other related matters**

**1 Short Title and commencement**

- (1) This Act may be cited as the Adult Adoption Information Act 1985.
- (2) Sections 4 to 6, 8, and 9 shall come into force on 1 September 1986.
- (3) Subject to subsection (2), this Act shall come into force on 1 March 1986.

**2 Interpretation**

In this Act, unless the context otherwise requires,—

**adopted person** means a person in respect of whom an adoption order has at any time been made; and **adopted** has a corresponding meaning

**adoption order** means an adoption order made under the Adoption Act 1955 or any corresponding former enactment; and includes an instrument details of which have been registered under section 21A of the Births and Deaths Registration Act 1951 or section 25 of the Births, Deaths, Marriages, and Relationships Registration Act 1995

**adoptive parent**, in relation to any other person, means a person who has at any time, either alone or pursuant to an application made jointly with a spouse, adopted that other person under an adoption order; but no person shall be an adoptive parent by reason only of—

- (a) having consented to an adoption by a spouse; or
- (b) having become the spouse of an adoptive parent after the adoption concerned

**adult** as a noun means a person who has attained the age of 20 years; and as an adjective it has a corresponding meaning

**approved organisation** means an organisation for the time being approved under section 12(1)

**approved person** means a person for the time being approved under section 12(1); and includes a person whose name is for the time being notified under section 12(2)

**birth parent**, in relation to any other person, means a person who is that other person's biological mother or father

**chief executive** means the chief executive of the Department

**Department** means the department for the time being responsible for the administration of the Oranga Tamariki Act 1989

**identifying information**, in relation to any person, means that person's name or address; and includes any information that is likely to enable any other person to ascertain that person's name or address

**original birth certificate**, in relation to any person, means a birth certificate (within the meaning of the Births, Deaths, Marriages, and Relationships Registration Act 1995) containing information recorded under that Act or a former Act (within the meaning of that Act) relating to the person's birth, bearing on its face 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 the person's birth parents

**Registrar-General** means the Registrar-General appointed under the Births, Deaths, Marriages, and Relationships Registration Act 1995

**social worker** means a social worker employed in the Department; and, in relation to any matter undertaken by one social worker, includes any other social worker dealing with that matter.

Section 2 **adoption order**: amended, on 24 January 2009, by section 47 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **chief executive**: inserted, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **Department**: substituted, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **Department**: amended, on 14 July 2017, by section 149 of the Children, Young Persons, and Their Families (Oranga Tamariki) Legislation Act 2017 (2017 No 31).

Section 2 **Director-General**: repealed, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **original birth certificate**: substituted, on 1 September 1995, by section 95 of the Births, Deaths, and Marriages Registration Act 1995 (1995 No 16).

Section 2 **original birth certificate**: amended, on 24 January 2009, by section 47 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **Registrar-General**: amended, on 24 January 2009, by section 47 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 2 **social worker**: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 2 **social worker**: amended, on 1 October 1999, by section 13 of the Department of Child, Youth and Family Services Act 1999 (1999 No 82).

Section 2 **social worker**: amended, on 1 April 1990, by section 36(2) of the Social Welfare (Transitional Provisions) Act 1990 (1990 No 26).

### *Access to information*

#### **3 Birth parent may restrict access to identifying information**

- (1) Either birth parent of a person adopted before 1 March 1986 may at any time request the Registrar-General to have the original entry of the birth of that person endorsed to the effect that that person is not to have access to identifying information relating to the person making the request.
- (2) The following provisions shall apply to every request under subsection (1):
  - (a) the Registrar-General shall inform the person making that request of the counselling available in the area in which that person lives, from social workers and approved persons and organisations:
  - (b) that person shall indicate to the Registrar-General whether or not that person desires counselling:
  - (c) if that person indicates that that person desires counselling, the Registrar-General shall take no further action until that person requests the Registrar-General to proceed with the original request:
  - (d) if that person—
    - (i) indicates that that person does not desire counselling; or
    - (ii) under paragraph (c) requests the Registrar-General to proceed with the original request,—the Registrar-General shall cause the original entry of the birth of the adopted person concerned to be endorsed accordingly, and to be endorsed also with the date on which it was so endorsed.
- (3) The fact that there is upon the original entry of the birth of any person one unexpired endorsement under subsection (2) relating to any person shall not prevent a further endorsement under that subsection relating to that person.
- (4) Subject to subsection (5), every endorsement under subsection (2) shall continue in force until the expiration of 10 years from the date of its making, and shall then expire.
- (5) A birth parent of an adopted person may at any time request the Registrar-General to have removed from the original entry of that person's birth all endorsements under subsection (2) relating to that parent; and in that case the Registrar-General shall cause that entry to be noted accordingly, and those endorsements shall then expire.

#### **4 Adult adopted person may apply for original birth certificate**

- (1) Any adult may make a written application to the Registrar-General for an original birth certificate in relation to the applicant; and in that case the following provisions shall apply:

- (a) where it does not appear from the records of the Registrar-General that the applicant is adopted, the Registrar-General shall so notify the applicant in writing:
  - (b) subject to subsection (2), where it appears from the records of the Registrar-General that the applicant was adopted before 1 March 1986, and that—
    - (i) details relating to only one of the applicant's birth parents appear in the original entry of the applicant's birth, and there is on that entry any unexpired endorsement under section 3(2) relating to that parent; or
    - (ii) details relating to both of the applicant's birth parents appear in the original entry of the applicant's birth, and there are on that entry unexpired endorsements under section 3(2) relating to each of those parents,—section 5(1) shall apply to the applicant:
  - (c) where it appears from the records of the Registrar-General that the applicant was adopted before 1 March 1986, and that—
    - (i) details relating to both of the applicant's birth parents appear in the original entry of the applicant's birth, but there are on that entry unexpired endorsements under section 3(2) relating to only one of them; or
    - (ii) there are no unexpired endorsements under section 3(2) on that entry,—section 5(2) shall apply to the applicant:
  - (d) where it appears from the records of the Registrar-General that the applicant was adopted after 28 February 1986, section 6 shall apply to the applicant.
- (2) Where—
- (a) there is on the original entry of the birth of an adopted person any unexpired endorsement under section 3(2) relating to a birth parent of that person; and
  - (b) the Registrar-General is satisfied that that parent is dead,—
- paragraphs (b) and (c) of subsection (1) shall apply to any application under that subsection as if that endorsement had expired.

## **5 Certificates for persons adopted before commencement of Act**

- (1) The Registrar-General shall inform every applicant to whom this subsection is applied by section 4(1)(b) of the existence, effect, and date of expiry of the endorsements concerned, and, notwithstanding section 63 of the Births, Deaths, Marriages, and Relationships Registration Act 1995, shall send the applicant an original birth certificate from which there have been removed all details relat-