

Adoption: The legal framework

Gaining access to information on who their birth parents are can be very important for adopted people.

They can seek that information. Similarly, birth parents may wish to get information on the adult they adopted out as a child.

This is set out in the Adult Adoption Information Act 1985.

Access by adopted people

Adult adoptees (from the age of 20) can request access to information about their birth parents.

The type of information they can access will depend on when the adopted person was born.

For adoptees born before March 1, 1986, a birth parent has the right to veto their access to identifying information.

Either birth parent can restrict access to identifying information.

To do that the birth parent must register a "no access" endorsement on the original birth certificate.

This records that the adoptee is not allowed access to identifying information.

Endorsements restricting access to information expire after they



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have been in place for 10 years, but they can be renewed by the birth parent so that they remain in place.

Birth parents can also seek to have an endorsement removed before the expiry period, to allow access to information.

If a birth parent dies and there is an unexpired endorsement in place, the endorsement comes to an end and the information may be released.

If identifying information is able to be released, the applicant will be notified of counselling options available to them.

If the applicant was born before March 1, 1986, and lives in New Zealand, they must receive

counselling before an original birth certificate is released.

The original birth certificate is sent to the social worker facilitating the counselling, to hold on behalf of the adoptee until counselling is complete.

Adoptees born after February 28, 1986, can choose whether to undergo counselling before uplifting an original birth certificate.

If they choose not to, they must wait 28 days before uplifting the original birth certificate.

Once an original birth certificate is obtained, an adoptee can seek further contact information in relation to a parent named on the certificate from Child, Youth and Family.

Access to information from court adoption records can also be obtained.

Access by birth parents

An adopted person, 19 and older, can request that their original birth certificate be endorsed to record their desire not to have contact with one or both birth parents.

An applicant for this type of endorsement will be offered

counselling, which they may choose to have before the endorsement is registered.

Endorsements of this nature expire after 10 years. Further endorsements can be registered.

Access to information for medical purposes

A doctor who believes medical information about a birth relative of a patient (who is unknown to the patient) is necessary for the purposes of treatment or genetic counselling can request that information from a social worker.

The doctor must not disclose any identifying information to the patient.

Initial contact

Initial contact between an adopted person and a birth parent can be difficult for one or both because all sorts of emotions can be present. Therefore the initial meeting can be facilitated by a social worker if requested by either party.

■ Column courtesy of Rainey Collins Lawyers, phone 0800 733484. If you have a legal inquiry, email aknowsley@raineycollins.co.nz.