

---

# Adoption

by Anne Else

In the 1960s and 1970s many young unmarried women gave up their children for adoption by strangers. Many never even saw their babies, and the process was shrouded in secrecy. Activism by birth parents and adopted children led to a more open situation. By the early 21st century, few New Zealand children were being adopted by people unrelated to them. Most adoptions were of children from overseas or related children.

---

## Māori and colonial adoption

### Māori adoption – tamariki whāngai or atawhai

In Māori society, children were often brought up by relatives who were not their birth parents. These children were known as tamariki whāngai or atawhai. There was no secrecy – in most cases they knew how they were related to everyone. They knew their birth parents and had contact with them. Whānau, [hapū](#) and [iwi](#) took part in making whāngai decisions. Inheritance practices varied between different tribes.

### Adoption of Children Act 1881

New Zealand became the first country in the British Empire to make legal adoption possible when it passed the Adoption of Children Act in 1881, 45 years before England did the same. The intent was to make sure that those who were willing to take in and bring up related or unrelated children could become their only legal parents.

At first there were very few adoptions, especially of babies – older children were useful for domestic and other labour – and no secrecy was involved. Until the Second World War, it was seen as right for mothers to keep illegitimate children, as a public punishment and a warning to others. Because it was so hard for single mothers to earn a living, many illegitimate children were sent to orphanages or industrial schools.

### Different rules for Māori

In the early colonial period, customary Māori adoption had legal status. But from 1901 Māori adoptions were not recognised legally unless they were registered in the Native Land Court. This was the first in a long line of legal steps that undermined the status of customary adoption.

In 1909 it became illegal for Māori to adopt non-Māori. It was only when the Adoption Act 1955 was passed that adoption for Māori was brought under the same rules as adoption for [Pākehā](#). However, being treated the same as non-Māori meant that many adopted Māori children lost knowledge of their [whakapapa](#).

### Adoption claim

---

A Waitangi Tribunal claim was made on 1 September 2008 on behalf of all Māori who were adopted, fostered or made wards of the state through government welfare systems. It stated that the Crown, in breach of its Treaty of Waitangi obligations, prejudicially affected Māori by passing and enforcing the Adoption Act 1955.

---

## Growth in adoption

After the Second World War the Child Welfare Division of the Department of Education, and private agencies, saw adoption of their children as the best solution for single mothers, and even for some separated women. They said that most unmarried mothers were not bad or immoral, but nice girls who had made a mistake and deserved a second chance. Married couples without children were encouraged to adopt, and unmarried mothers were seen as selfish if they did not give their children the opportunity of a 'normal' family life.

Before 1939 fewer than 2% of all babies born each year were adopted. By 1944 the figure was almost 4%; in 1970 it was over 6%. That year there were 3,837 adoptions, the most ever. Nearly three-quarters of these (2,831) involved ex-nuptial births, and over half (2,286) were adoptions by strangers – people unrelated to the child.<sup>1</sup>

## Adoption Act 1955

The growing number of adoptions led to the Adoption Act 1955, which still governed adoption in the early 21st century. The act was based on the belief that a complete break between the birth family and the adoptive family was best for everyone involved. From the 1950s to the 1970s, many women whose children were adopted out did not see their babies at all. Some were allowed to see them only after they signed the consent form. Birth fathers were usually excluded from the process of adoption.

Before 1955 most adoption placements were made by private agencies, maternity homes, doctors or hospital matrons. State social workers have arranged most

placements since the mid-1960s, and since 1955 all non-family placements have required social workers' approval.

## Māori and the Adoption Act

The Adoption Act 1955 removed the ban on Māori adopting non-Māori, and brought Māori under almost the same rules as [Pākehā](#). Māori children's tribal affiliations were rarely recorded. Even their ethnicity was sometimes recorded incorrectly.

At first the Māori Land Court continued to register Māori adoptions. Hearings were open and the proceedings were published. After 1962 all adoptions went through the Magistrates' Court, where hearings were closed and nothing was published.

## Adoption and [whānau](#) relationships

A Māori social worker, or someone nominated by the Māori community, handled applications where both the adopters and the child were Māori, and could sometimes help families with the legal adoption process. But in some cases, especially if the birth mother was Pākehā, Māori families who wanted the child were set aside by the authorities in favour of strangers.

Over the years Māori have increasingly objected to the way adoption law wiped out birth relationships, imposed secrecy, did not record or protect the child's [whakapapa](#) and did not involve the wider whānau. In the 21st century these concerns remained unresolved.

## From too few babies to too many

In the 1950s there were not enough babies to meet the demand for adoption. But the post-war baby boom meant that women in the age groups most likely to become pregnant began to outnumber older women more likely to want to adopt.

By the mid-1960s there were so many babies available for adoption that couples seeking to adopt had plenty of choice. Girls were more popular than boys, and newborns were preferred.

### Suffering fathers

Popular perception cast fathers of children born outside of marriage as uninterested or hostile once pregnancy was announced. However, many were not, as one woman's recollection encapsulates: 'I know now my son's father did try to contact me. He called at my parents' home and had the door closed in his face. He called the [unmarried mothers'] home but was denied access. He wrote to me many times but I received no letters. He felt as I did – that the other didn't care. I believe now he suffered as much as I did.'<sup>2</sup>

### Lost [mokopuna](#)

Māori welfare officer Anne Delamere described a sad case in the 1960s when a Māori family whose son fathered a child with a Pākehā girl tried to adopt the baby: 'His parents said that this child was their blood and if her parents didn't want the child they wanted the child, because it was important to them that a child of their son's should remain within their family group, and this was in fact their first mokopuna [grandchild]. They pleaded, then they went to Child Welfare and pleaded there, but to no avail.'<sup>3</sup>

## Hard-to-place children

Some children were harder to place than others. A social worker recalled, ‘It was mostly race, or any physical deformity, such as cleft palate ... nobody wanted them when you could have perfect white babies of whatever sex you chose.’<sup>4</sup> The head of Child Welfare believed that the surplus of babies could last until the 1980s.

### Footnotes

- Quoted in Anne Else with Maria Haenga-Collins, *A question of adoption: closed stranger adoption in New Zealand, 1944–1974 and Adoption, state care, donor conception and surrogacy*, Wellington: Bridget Williams Books, 2023 (e-book only), Table 1 [Back](#)
- Quoted in *A question of adoption*, Introduction. [Back](#)
- Quoted in *A question of adoption*, Ch. 16. [Back](#)
- Quoted in *A question of adoption*, Ch. 11. [Back](#)

---

## Adoption and single mothers – 1960s and 1970s

### Unmarried mothers

Before the 1970s few young women knew much about sex and reproduction, let alone contraception. The first Family Planning clinic opened in 1953, but until the 1970s women wanting contraception had to give their fiancé’s name and the date of the intended marriage. Between 1954 and 1977 it was illegal to sell contraceptives to anyone under 16 years of age. It was illegal to even discuss contraception with under-16-year-olds until 1989.

Many young pregnant women left town to hide their condition, which was seen as bringing shame on themselves and their families. Some stayed in a home run by a charity, which sometimes also ran an adoption agency. Others stayed with families as live-in, unpaid houseworkers. They returned home after the child had been born and adopted out, and the pregnancy remained a secret.

### Contraception, abortion and pregnancy

Although ‘the pill’ (the oral contraceptive for women) became available in 1961, doctors were advised by their ethical committee in 1965 not to prescribe it to unmarried women. Before 1977 abortions were almost always illegal, expensive and dangerous.

### Sent away

Many single women who became pregnant were made to leave their homes before the baby was born. One woman recalled, ‘I remember my parents saying, “We’ve made a

Young women were at high risk of pregnancy. Births to women under 20 (including those who were married) climbed from 5,315 in 1962 to a high of 9,150 in 1972 – around 7% of all women aged 15–19. Almost one-third of the women who turned 20 in 1973 had already had a child.

## Help for single mothers

A campaign for state help for sole parents had been growing since the mid-1960s. Many people who worked with single pregnant women saw the pain they went through in giving up a child; they also saw the struggles of those who kept their children, and their difficulties in getting fathers to pay maintenance. They were well aware, too, of the shortfall in the number of adoptive parents.

## Benefits and maintenance

The Domestic Proceedings Act 1968 and the Legal Aid Act 1969 made it easier for a single mother to obtain maintenance from the child's father. From mid-1968 single mothers became eligible to claim an emergency benefit, although many were not aware of this. A 1970 study of unmarried mothers who kept their children highlighted problems in access to income, childcare and housing.

In 1972 the Royal Commission on Social Security recommended a new statutory benefit for every parent raising a child alone, whether or not they had ever been married. In 1973 the Domestic Purposes Benefit (DPB) was introduced.

## Decline of adoption

The proportion of ex-nuptial children kept by single mothers and born to unmarried couples started rising in the mid-1960s. The percentage of ex-nuptial births that resulted in non-family adoption fell from 41% in 1965 to 30% in 1972. In 1972/73 more babies were kept by their single mothers (2,293) than were adopted by unrelated people (2,128).<sup>3</sup>

By the mid-1970s the surplus of babies for adoption had disappeared. Placement of New Zealand children for adoption outside their birth families continued to decline. The number has been fewer than 200 in most years since 1993.

Although the DPB did enable more single women to keep their children, it was not the only or even the major reason for this change. Improvements in and easier access to contraception helped decrease pregnancies among single women. Between 1972

name and a place for ourselves in this town and we're not going to have it spoiled by you, you'll have to go away." But they wanted to do what they thought was best for me too. They genuinely believed that if the baby was adopted out and I never saw it I could come back and start life again.'<sup>1</sup>

## Reluctant fathers

Many men contested paternity cases. A 1966 report by the Motherhood of Man Movement, a support organisation for single mothers, said: '[S]o many of the girls have lost the case even though the young man knows perfectly well that he is the father. It is altogether a humiliating experience. If the case is proved ... payment of 25/- to 30/- weekly is ordered. There could be a great deal of difficulty in obtaining even this sum from the man if he decides to move on or marry someone else.'<sup>2</sup>

and 1982, numbers of births to women under 20 more than halved, from 70 per 1,000 to 30 per 1,000 annually. In 2002 the teenage birth rate reached a historical low of 25.5 per 1,000. By 2008 it had increased to 33.1 per 1,000, but it dropped again to reach a new low of 18.5 births per 1,000 in 2015.

## Parenting outside marriage

The shame of being an ‘unmarried mother’ lessened as more couples began living together and having children without marrying. In 1969 the Status of Children Act had removed the legal significance of birth outside marriage. By 2013, 48% of births were to parents who were not married or in a civil union.

### Footnotes

- Quoted in Anne Else, *A question of adoption: closed stranger adoption in New Zealand, 1944–1974*. Wellington: Bridget Williams Books, 1991, p. 20. [Back](#)
- Quoted in *A question of adoption*, p. 16. [Back](#)
- *A question of adoption*, Figure 2, p.161. [Back](#)

---

## From secrecy to openness

### Re-registration of adopted children

From 1915 adopted children were re-registered with the names of their adopted parents. From 1955 new birth certificates showed the adoptive parents as the birth parents. Adoption of children by people unknown to the birth mothers became more common, and adoptions became much more difficult to trace.

Māori adoptions were at first treated differently, because knowledge of [whakapapa](#) was recognised as vitally important. This changed with the passing of the Adoption Act 1955, which treated Māori in the same way as non-Māori.

### Secrecy about adopters

The 1955 Act did not make it illegal for the birth mother to know who was adopting her baby. However, the process was designed to make sure she did not find out, although she might be given some non-identifying information. Before 1955 the mother’s consent was not legally valid unless she knew the names of the adopters, but the solicitor routinely concealed their names when the consent form was signed.

Following the Adoption Act 1955, two consent forms were available for use. One showed the adopters’ names – the other did not.



The adopting parents could see the mother's name and age in the adoption papers, and would usually be given some information about her. Adoption application hearings were held in closed court, and over time all court records became confidential.

Adoptive parents were urged to tell their children that they were adopted, and most did so – but many adopted people wanted to know more.

## The campaign for adoption information

As people adopted in the 1950s grew up, some began campaigning for the right to information about their birth families, starting with their original birth certificates. Some adoptive parents, too, wanted their children to be able to know both families.

Birth mothers also began to speak out, wanting to know what had happened to their children. The campaign was supported by social workers who understood the difficulties of lifelong secrecy.

From 1976 lobby groups such as Jigsaw provided support and a base for political action. In 1977 Jigsaw petitioned Parliament for a law change. MP Jonathan Hunt lodged a private member's bill for access to adoption information in 1978.

## Opposition to change

There was strong opposition to change. Some adoptive parents and lawyers argued that the birth mother had signed away her right to have anything more to do with the child. Some parents had never told their children that they were adopted, or feared that the birth mother would suddenly turn up. Another argument against change, supported by Prime Minister Robert Muldoon, centred on protecting the birth mother's privacy.

## Adult Adoption Information Act 1985

After seven years of debate, Parliament passed the Adult Adoption Information Act in 1985. It allowed adopted people aged at least 20 to apply for their original birth certificates, in order to try to find their named birth parent(s). Birth parents could also apply to identify and contact their children. No other family members had any right to information.

By December 1996, 22,927 adult adoptees and 6,163 birth parents had applied for information under the act. Many adoptees and birth parents had met and some had formed

### Sharing my daughter

Secrecy created emotional gaps in many people's lives. In 1982 an adoptive mother wrote: '[A]s regards my daughter by adoption, I would give a great deal to be able to share her growing up with her birth mother. My husband died when our daughter was still very young. Particularly since then I have longed to tell this frustratingly mysterious and unknown person all about my child and hers.'<sup>1</sup>

I never stopped wondering

ongoing relationships, although the adoptee's relationship with the adoptive family usually remained primary.

## Vetoos on information

Birth parents who consented to adoption before the act was passed have the right to place a 10-year renewable veto on access to identifying information. Adopted people can lodge a similar veto. The number of active vetoos placed by birth parents peaked at 3,350, but had fallen to 993 by 1996. Adoptees' active vetoos peaked at 1,240 and had fallen to 357 by 1996.

## The shift to open adoption

From the early 1970s some social workers began suggesting that birth parents and adoptive parents meet each other before the birth of the child, and maintain contact after the adoption.

By the 21st century most birth mothers could choose the adoptive family from a range of approved couples. When adoptions were arranged through state social workers, birth and adoptive parents normally met before the birth mother consented to the adoption, and in some cases made an agreement for ongoing contact. Open adoption arrangements were encouraged, but could not be legally enforced. It was still possible for children to grow up not knowing that they were adopted.

In the 2010s a steady stream of adopted people and birth parents continued to seek information. Between 2013 and 2017, 2,264 adoptees obtained their original birth certificates and 340 birth parents requested information.

## Footnotes

- Quoted in Anne Else, *A question of adoption: closed stranger adoption in New Zealand, 1944–1974*. Wellington: Bridget Williams Books, 1991, p. 149. [Back](#)
- Quoted in *A question of adoption*, p. 156. [Back](#)

A birth mother expressed the lifelong yearning felt by many in her position in a submission to government in 1982: 'I have never stopped wondering, and I would do anything to know my daughter. I still love her very much and would like to know she has been happy with her parents. I can't undo the years, and live in the world of "if only", but if the law would change she could meet me if her feelings are like mine. I know I ceased being her mother as soon as I signed that paper but I know I could still be a friend.'<sup>2</sup>

---

## Adoption in the 21st century

By the 2010s domestic adoptions had fallen to low levels. 253 applications to adopt New Zealand children were granted in 2010/11, and 200 in 2016/17.



## Adoption rules

In the 21st century adoption in New Zealand remained regulated by the Adoption Act 1955. It is one of the oldest statutes still in regular use.

### No advertisements or payment

It is a criminal offence to place an advertisement offering or requesting a child for adoption, and illegal to pay a parent or any other person to secure a child for adoption.

### Consent to adoption

To be adopted, you must be aged under 20. Your consent is not required. The birth mother's consent is normally required (except in special cases of abuse, neglect or incapacity), and she can give this no matter how young she is. Her child must be at least 10 days old when she signs the consent form. Consent is very difficult to withdraw. The birth father's consent is required only if he is married to the mother, or is otherwise a guardian of the child, or if the Family Court considers it 'expedient' to get his consent. If a birth father wants to oppose an adoption, he can apply to the court for guardianship and the adoption cannot proceed until this has been decided. Once consent has been signed, the adopters can take the child home with the approval of a social worker. They obtain an interim adoption order and can apply for a final order six months later.

### Who can adopt

To adopt a related child, an applicant (or one of the applicants in a joint application) must be 20 or older. If the applicant is not related to the child, they must be at least 25, and at least 20 years older than the child. Married and de facto couples can apply to adopt jointly. A single person may apply, but a single man may not apply to adopt a girl unless there are special circumstances.

### A new birth certificate

When the final order is made, a new birth certificate is issued showing the adoptive parents as the child's only parents from the date of birth. Legally, adoption replaces all the child's birth-family relationships with those of the adoptive family. So if a woman adopts her grandson, his mother becomes his sister. In a step-parent adoption, the replaced original parent and their family are no longer legally related to the child.

## Critiquing the law

---

In 2000 the Law Commission, after wide consultation, produced a report on adoption in New Zealand. It criticised the Adoption Act 1955 on a number of grounds, including that birth parents giving up a child for adoption were not required to get counselling or independent legal advice. Concern was expressed about adoptive parents being shown as the birth parents on the child's birth certificate. Many adoptive parents who made submissions to the commission saw this as 'excessive and unnecessary, and even ludicrous where an open adoption is practised'.<sup>1</sup>

## Adoption law controversy

Many reports over the years had recommended an overhaul of adoption legislation. Critics were concerned that the 1955 Act came from an outdated social context, did not embody the principles of informed consent or pay enough attention to the rights and welfare of the child, and did not allow de facto or same-sex couples to adopt. Nor did it provide any legal backing or safeguards for open adoption arrangements.

Since the legalisation of same-sex marriage in 2013, married same-sex couples have been able to adopt a child together, as the Adoption Act 1955 provides for adoption by married couples or spouses. In 2010 the High Court ruled that the phrase 'two spouses' in the Adoption Act 1955 included heterosexual de facto couples, not just married couples. In 2015 another High Court ruling said that 'spouses' included same-sex de facto couples. However, civil unions were not included in this definition. These rulings sparked further calls for changes to adoption law.

The Human Rights Review Tribunal ruled in 2016 that sections of New Zealand adoption laws were discriminatory and outdated. The Human Rights Commission has also advocated for reform. Despite these criticisms, the Adoption Act 1955 and the Adult Adoption Information Act 1985 remained in force in 2017.

## Adoption and surrogacy

By the early 21st century there were increasing numbers of adoptions related to surrogacy. When a woman acts as a surrogate, giving birth to a child for another person or couple through reproductive technology, the transfer of parenthood takes place through adoption. There are no available statistics on such adoptions.

## Adoption alternative

Because there were few children available for adoption in the 21st century, some people chose to become foster parents of children who could not live with their birth parents. Foster children can be permanently placed, meaning foster parents share guardianship with the birth parents but are awarded sole custody by the courts.

### Footnotes

- Adoption and its alternatives: a different approach and a new framework. Wellington: Law Commission, 2000, p. 170. [Back](#)

---

## Inter-country adoption

In New Zealand, as in other western countries where few local children are available for adoption, there has been much interest in adopting children from other

countries. This occurs against a background of international concern about children being 'bought' for adoption, and about the safety of children in their new countries. In 1992 a law change meant a child aged 14 or older adopted by a New Zealand citizen did not automatically become a citizen.

## Hague Convention

The 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption is an international agreement which protects children and their families from illegal and poorly organised intercountry adoptions. New Zealand signed the Hague Convention in 1997. The Adoption (Intercountry) Act 1997 made international adoptions of foreign children by New Zealanders legal if they took place in a country which complied with the Hague Convention.

Before a child could be adopted from one Hague country to live in another, the governments in both countries had to agree to the adoption. New Zealand residents needed the permission of Oranga Tamariki – Ministry for Children as well as the overseas country, and could adopt only in countries approved by Oranga Tamariki. However, some adoptions by New Zealanders still took place in countries that did not meet Hague Convention standards.

## Countries of origin

In New Zealand few people adopted children from other countries until the 1980s. Publicity about the plight of Romanian children living in institutions led to many adoptions from that country. Between 1989 and 1991 New Zealanders adopted more than 150 Romanian children.

Since 1992 New Zealanders have adopted more than 670 children from Russia. Adoptions of Russian children by overseas parents had to happen through adoption agencies in their own countries that were accredited by the Russian Ministry of Education. Other countries that had adoption relationships with New Zealand included Lithuania, Thailand, the Philippines and India.

In the 2010s 300-400 adoptions from other countries were granted or recognised in New Zealand each year, compared with approximately 200 adoptions of New Zealand children.

## Concern about inter-country adoption

In 1996 a New Zealand church minister was convicted of sexually abusing three children he had adopted from overseas. The man had adopted a total of 19 children from other countries over a five-year period, of whom 16 children complained of physical and sexual abuse. This case prompted widespread concerns about inter-country adoptions.

## Not-so-happy families

Some of the New Zealanders who adopted infants from Romanian orphanages struggled to cope with them. The children had often suffered neglect in infancy and in some cases developed behavioural problems. Parents resorted to locking their bedroom doors to stop their children stealing from them; one couple took out a protection order against their adopted children. 'We went in so naïve,' remembers one mother. 'I thought we would be bringing back these two kids and we would play happy families. We thought they were just going to slot in. It just hasn't happened.'<sup>1</sup>

## Footnotes

- Quoted in Ruth Laugesen, 'The children who couldn't love.' *New Zealand Listener* 217 no. 3593 (21–27 March 2009), p. 24. [Back](#)

---

## External links and sources

### More suggestions and sources

Couchman, J. 'Intercountry adoption in New Zealand – a child rights perspective.' *Victoria University of Wellington Law Review* 2, no. 3 (November 1997): 421–450.

Dalley, Bronwyn. 'Ex-nuptial births, adoption, foster care and child abuse.' In *Family matters: child welfare in twentieth-century New Zealand*. Auckland: Auckland University Press, 1998, 216–258.

Else, Anne with Haenga-Collins, Maria. *A question of adoption: closed stranger adoption in New Zealand, 1944–1974 and Adoption, state care, donor conception and surrogacy, 1975–2022*. Wellington: Bridget Williams Books, 2023 (e-book only.)

Griffith, Keith C. *The right to know who you are: reform of adoption law with honesty, openness and integrity*. Ottawa: K. W. Kimbell, 1991.

Shawyer, Joss. *Death by adoption*. Auckland: Cicada, 1979.

---

How to cite this page: Anne Else, 'Adoption', *Te Ara - the Encyclopedia of New Zealand*, <http://www.TeAra.govt.nz/en/adoption/print> (accessed 9 August 2024)

Story by Anne Else, published 5 May 2011, reviewed & revised 18 April 2018

All text licensed under the Creative Commons Attribution-NonCommercial 3.0 New Zealand Licence (<http://creativecommons.org/licenses/by-nc/3.0/nz/deed.en>). Commercial re-use may be allowed on request. All non-text content is

