Adoption Amendment Act 2025

Public Act	2025 No 49
Date of assent	17 September 2025
Commencement	see section 2

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Schedule 1 12
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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Adoption Amendment Act 2025.

2 Commencement

(1) This Act comes into force on 18 September 2025

(2) However, subpart 2 of Part 1 and subpart 2 of Part 2 come into force on the earlier of the following:

(a) a date appointed by the Governor-General by Order in Council:

(b) 1 July 2027.

(3) An Order in Council made under subsection (2)(a) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1): editorial changes made by the PCO, on 9 October 2025, under sections 86(1) and 87(m) of the Legislation Act 2019 (2019 No 58).

Part 1
Amendments to Adoption Act 1955

3 Principal Act

This Part amends the Adoption Act 1955.

Subpart 1—Amendments commencing under section 2(1) of this Act

4 Section 2 amended (Interpretation)

(1) In section 2, insert in their appropriate alphabetical order:

Contracting State has the same meaning as in section 2 of the Adoption (Intercountry) Act 1997

exempt country means a country specified in Schedule 1AAB

Hague Convention has the same meaning as Convention in section 2 of the Adoption (Intercountry) Act 1997

Hague Convention adoption means an adoption to which the Hague Convention applies (whether or not the adoption was made in accordance with that Convention)—

(a) that took place in a Contracting State on or after the date on which the Hague Convention entered into force in both New Zealand and the Contracting State; and

(b) in respect of which the adopted child was habitually resident overseas; and

(c) in respect of which the adoptive parent is, or both the adoptive parents are, habitually resident in New Zealand

overseas adoption means an adoption, in any place outside New Zealand, that—

(a) was in accordance with the law of that place and is legally valid; and

(b) affords to the adoptive parent an immediate legal right that is greater than the right of any natural parent of the adopted person in relation to the day-to-day care of the person, or would have afforded such a right if the adopted person were a young child; and

(c) either—

(i) was by order of any court, judicial authority, or public authority of—

(A) a Commonwealth country; or

(B) Austria; or

(C) Denmark; or

(D) Finland; or

(E) Norway; or

(F) Sweden; or

(G) the Kingdom of the Netherlands; or

(H) the United States of America, or of any State or territory of the United States of America; or

(I) a prescribed overseas country; or

(ii) affords to the adoptive parent an immediate legal right over the adopted person's property equal to or greater than the right to the property of any natural parent of the person, if the person—

(A) dies intestate with no other next of kin; and

(B) at the time of death was domiciled in the place outside New Zealand and was a national of the country having jurisdiction over that place

prescribed overseas country means a country specified in regulations made under section 28

surrogacy arrangement has the same meaning as in section 5 of the Human Assisted Reproductive Technology Act 2004

(2) In section 2, insert as subsection (2):

(2) For the purposes of the definition of overseas adoption in subsection (1), the production of a document purporting to be the original or a certified copy of an order or a record of an adoption made by a court, judicial authority, or public authority in any place outside New Zealand is, in the absence of proof to the contrary, sufficient evidence that the adoption was made and that it is legally valid according to the law of that place.

5 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

6 Section 3 amended (Power to make adoption orders)

(1) Replace section 3(1) with:

(1) Subject to the provisions of this Act, a court may, on an application for the purpose, make an adoption order in respect of a child.

(1A) However, an application for an adoption order in respect of a child may be made only if—

(a) a Judge is satisfied that the need for the adoption arises because of an international surrogacy arrangement; or

(b) a Family Court Associate or Judge is satisfied that—

(i) the applicant or applicants are ordinarily resident in New Zealand and the child is ordinarily resident in New Zealand; or

(ii) there are exceptional circumstances that justify the making of the application.

Examples of exceptional circumstances for the purposes of subsection (1A)(b)(ii)

Example 1

A child aged 3 years lives in an overseas country. Both of the child's parents have died. The child's grandmother, who lives in Auckland, is the only family member who is able to take over the child's care and has applied to the Family Court to adopt the child. Those circumstances meet the threshold of exceptional circumstances.

Example 2

A child aged 5 years lives in an overseas country. The child's father has died and the child's mother is terminally ill and unable to care for the child. The child's aunt, who lives in Dunedin, is the only family member who is able to take over the child's care and has applied to the Family Court to adopt the child. Those circumstances meet the threshold of exceptional circumstances.

(2) After section 3(3), insert:

(4) For the purposes of this section, a person is to be treated as **ordinarily resident in New Zealand** if—

(a) the person's home is in New Zealand; or

(b) the person is residing in New Zealand with the intention of residing in New Zealand indefinitely; or

(c) having resided in New Zealand with the intention of establishing their home in New Zealand, or with the intention of residing in New Zealand indefinitely, the person is outside New Zealand but intends to return to establish their home in New Zealand or to reside in New Zealand indefinitely.

7 Section 17 replaced (Effect of overseas adoption)

Replace section 17 with:

17 Effect of overseas adoptions

(1) This section applies to an overseas adoption that is not a Hague Convention adoption.

(2) For the purposes of this Act and all other New Zealand enactments, the adoption has the same effect as an adoption order made under this Act and no other effect.

(3) However, if subsection (4) applies, the effect of the adoption has the following limitations:

(a) despite section 7(1) of the Citizenship Act 1977, the adopted person is not a New Zealand citizen by descent as a result of the adoption (notwithstanding that under section 3(2)(b) of the Citizenship Act 1977 the adopted person may be deemed the child of a New Zealand citizen); and

(b) the adopted person cannot, as a result of the adoption, be granted—

(i) a visa under the Immigration Act 2009; or

(ii) entry permission under the Immigration Act 2009.

(4) This subsection applies if the adoption occurred in a country that is not an exempt country and the adoptive parent, or either of the adoptive parents,—

(a) is a New Zealand citizen; or

(b) holds a residence class visa under the Immigration Act 2009.

(5) Nothing in subsection (3) affects—

(a) the discretion of the Minister of Internal Affairs under the Citizenship Act 1977; or

(b) the absolute discretion of the Minister of Immigration under the Immigration Act 2009.

8 New section 27E inserted (Power to amend Schedule 1AAB by Order in Council)

After section 27D, insert:

27E Power to amend Schedule 1AAB by Order in Council

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Justice, amend Schedule 1AAB by—

(a) inserting, repealing, amending, or replacing any item in Schedule 1AAB; or

(b) repealing Schedule 1AAB and substituting a new schedule.

(2) An item in Schedule 1AAB may be inserted or amended subject to any specified limitation or qualification.

(3) Before making a recommendation under subsection (1), the Minister of Justice must—

(a) consult—

(i) the Minister of Foreign Affairs; and

(ii) the Minister for Children; and

(iii) the Minister of Internal Affairs; and

(iv) the Minister of Immigration; and

(b) be satisfied that, having regard to the following matters, a country's regulatory regime has sufficient safeguards to prevent harm to adopted persons:

(i) the country's adoption laws and practices; and

(ii) whether the country is a signatory to any international adoption agreements, and the country's record of compliance with those agreements; and

(iii) the country's relations with New Zealand; and

(iv) any other matter the Minister considers relevant.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

9 New Schedules 1AA and 1AAB inserted

Insert the Schedules 1AA and 1AAB set out in Schedule 1 of this Act as the first and second schedules to appear after the last section of the principal Act.

Subpart 2—Amendments commencing under section 2(2) of this Act

10 Section 2 amended (Interpretation)

In section 2, repeal the definitions of **exempt country** and **surrogacy arrangement**.

11 Section 3 amended (Power to make adoption orders)

(1) Replace section 3(1A) with:

(1A) For the purposes of subsection (1), it does not matter whether—

(a) the applicant or applicants are domiciled in New Zealand; or

(b) the child is domiciled in New Zealand.

(2) Repeal section 3(4).

12 Section 17 amended (Effect of overseas adoptions)

(1) Replace section 17(2) with:

(2) For the purposes of this Act and all other New Zealand enactments, the adoption (whether it occurred before or after the commencement of this subsection) has the same effect as an adoption order made under this Act and no other effect.

(2) Repeal section 17(3), (4), and (5).

13 Section 27E repealed (Power to amend Schedule 1AAB by Order in Council)

Repeal section 27E.

14 Schedule 1AAB repealed

Repeal Schedule 1AAB.

Part 2
Consequential amendments and revocation

Subpart 1—Amendments and revocation commencing under section 2(1) of this Act

Amendments to Citizenship Act 1977

15 Principal Act

Sections 16 and 17 amend the Citizenship Act 1977.

16 Section 7 amended (Citizenship by descent)

After section 7(1), insert:

(1A) However, subsection (1) does not apply to a person who—

(a) is an adopted child pursuant to an overseas adoption (as that term is defined in section 2 of the Adoption Act 1955); and

(b) by virtue of section 17(3) of the Adoption Act 1955 cannot acquire the status of a New Zealand citizen by descent under subsection (1).

17 Schedule 1AA amended

In Schedule 1AA,—

(a) insert the Part set out in Schedule 2 of this Act as the last Part; and

(b) make all necessary consequential amendments.

Amendments to Family Court Rules 2002

18 Principal rules

Sections 19 and 20 amend the Family Court Rules 2002.

19 Rule 244 amended (Affidavit to be filed with, or before hearing of, application for adoption order)

Before rule 244(a), insert:

(aaa) provides evidence of the applicants' ordinary place of residence:

(aab) provides evidence of the child's ordinary place of residence:

(aac) provides evidence of the circumstances in which the application is made if the applicants' ordinary place of residence or the child's ordinary place of residence is outside New Zealand:

20 Schedule 2 amended

In Schedule 2, form A 3, after paragraph 2, insert:

2A We are/I am* ordinarily resident in New Zealand and the child is ordinarily resident in New Zealand.

*Select one

or

2A This application is made pursuant to a surrogacy arrangement [*details*].

or

2A We are/I am* ordinarily resident in [*country*], and the child is ordinarily resident in [*country*] and we/I* make this application in the following exceptional circumstances: [*specify*].

*Select one

Amendments to Adoption Regulations 1959

21 Principal regulations

Sections 22 and 23 amend the Adoption Regulations 1959.

22 Regulation 8 amended (Affidavit by applicants)

Before regulation 8(1)(a), insert:

(aaa) providing evidence of their ordinary place of residence:

(aab) providing evidence of the child's ordinary place of residence:

(aac) providing evidence of the circumstances in which the application is made if their ordinary place of residence or the child's ordinary place of residence is outside New Zealand:

Section 22: editorial change made by the PCO, on 25 November 2025, under sections 86(1) and 87(l)(i) of the Legislation Act 2019 (2019 No 58).

23 Schedule amended

In the Schedule, form 1, after paragraph 2, insert:

2A We are/I am* ordinarily resident in New Zealand and the child is ordinarily resident in New Zealand.

*Select one

or

2A This application is made pursuant to a surrogacy arrangement [*details*].

or

2A We are/I am* ordinarily resident in [*country*], and the child is ordinarily resident in [*country*] and we/I* make this application in the following exceptional circumstances: [*specify*].

*Select one

Revocation of Overseas Adoptions Order 1967

24 Overseas Adoptions Order 1967 revoked

The Overseas Adoptions Order 1967 (SR 1967/68) is revoked.

Subpart 2—Amendments commencing under section 2(2) of this Act

Amendment to Citizenship Act 1977

25 Principal Act

Section 26 amends the Citizenship Act 1977.

26 Section 7 amended (Citizenship by descent)

Repeal section 7(1A).

Amendments to Family Court Rules 2002

27 Principal rules

Sections 28 and 29 amend the Family Court Rules 2002.

28 Rule 244 amended (Affidavit to be filed with, or before hearing of, application for adoption order)

Revoke rule 244(aaa), (aab), and (aac).

29 Schedule 2 amended

In Schedule 2, form A 3, revoke all paragraphs numbered 2A.

Amendments to Adoption Regulations 1959

30 Principal regulations

Sections 31 and 32 amend the Adoption Regulations 1959.

31 Regulation 8 amended (Affidavit by applicants)

Revoke regulation 8(1)(aaa), (aab), and (aac).

Section 31: editorial change made by the PCO, on 25 November 2025, under sections 86(1) and 87(l)(i) of the Legislation Act 2019 (2019 No 58).

32 Schedule amended

In the Schedule, form 1, revoke all paragraphs numbered 2A.

Schedule 1
New Schedules 1AA and 1AAB of Adoption Act 1955

s 9

Schedule 1AA
Transitional, savings, and related provisions

s 2A

Part 1
Provisions related to Adoption Amendment Act 2025

1 Interpretation

In this Part,—

amendment Act means the Adoption Amendment Act 2025

first commencement date means the date on which subpart 1 of Part 1 of the amendment Act comes into force

second commencement date means the date on which subpart 2 of Part 1 of the amendment Act comes into force.

2 Adoption application made before first commencement date

(1) This clause applies if an application for an adoption order is made to the court, but not determined, before the first commencement date.

(2) Section 3 as in force immediately before the first commencement date continues to apply in respect of the application as if subpart 1 of Part 1 of the amendment Act had not been enacted.

3 Adoption application made between first commencement date and second commencement date

(1) This clause applies if an application for an adoption order is—

(a) made to the court on or after the first commencement date; but

(b) not determined before the second commencement date.

(2) Section 3 as in force immediately before the second commencement date continues to apply in respect of the application as if subpart 2 of Part 1 of the amendment Act had not been enacted.

4 Effect of overseas adoption occurring before first commencement date

(1) This clause applies if a person is adopted pursuant to an overseas adoption before the first commencement date.

(2) On and after the first commencement date, the limitation on the effect of the adoption set out in section 17(3)(a) (relating to citizenship of the adopted person) does not apply (even if section 17(4) applies).

(3) On and after the first commencement date, the limitation on the effect of the adoption set out in section 17(3)(b)(i) (relating to visas) does not apply (even if section 17(4) applies) where an application for a visa has been made before the first commencement date.

(4) On and after the first commencement date, the limitation on the effect of the adoption set out in section 17(3)(b)(i) (relating to visas) does apply (if section 17(4) applies) where an application for a visa has been made after the first commencement date and before the second commencement date.

5 Effect of overseas adoption occurring between first commencement date and second commencement date

(1) This clause applies if a person is adopted pursuant to an overseas adoption—

(a) on or after the first commencement date; but

(b) before the second commencement date.

(2) On and after the second commencement date, the limitation on the effect of the adoption set out in section 17(3)(a) (relating to citizenship of the adopted person), as in force immediately before the second commencement date, no longer applies (if it applied before the second commencement date).

(3) On and after the second commencement date, the limitation on the effect of the adoption set out in section 17(3)(b)(i) (relating to visas), as in force immediately before the second commencement date, continues to apply (if it applied before the second commencement date) where an application for a visa has been made but not determined before the second commencement date.

Schedule 1AAB
Exempt countries

s 2

Albania
Andorra
Armenia
Australia
Austria
Azerbaijan
Belgium
Belize
Botswana
Brazil
Bulgaria
Cabo Verde
Canada
Chile
China
Colombia
Costa Rica
Côte d’Ivoire
Croatia
Cuba
Cyprus
Czechia
Denmark
Dominican Republic
Ecuador
El Salvador
Estonia
Fiji
Finland
France
Germany
Greece

Guyana

Honduras

Hungary

Iceland

India, if the adoption is not made under the Hindu Adoptions and Maintenance Act 1956 (India)

Ireland

Israel

Italy

Kazakhstan

Kingdom of the Netherlands

Kyrgyzstan

Latvia

Liechtenstein

Lithuania

Luxembourg

Madagascar

Malta

Mauritius

Mexico

Monaco

Mongolia

Montenegro

Namibia

North Macedonia

Norway

Panama

Peru

Philippines

Plurinational State of Bolivia

Poland

Portugal

Republic of Korea

Republic of Moldova

Romania

Saint Kitts and Nevis
San Marino
Senegal
Serbia
Seychelles
Slovakia
Slovenia
South Africa
Spain
Sri Lanka
Sweden
Switzerland
Thailand
Togo
Tonga
Türkiye
United Kingdom of Great Britain and Northern Ireland
United States of America
Uruguay
Zambia

Schedule 2
New Part 2 inserted into Schedule 1AA of Citizenship Act 1977

s 17

Part 2
Provisions relating to Adoption Amendment Act 2025

3 Interpretation

In this Part,—

amendment Act means the Adoption Amendment Act 2025

commencement date means the day after the amendment Act receives Royal assent

overseas adoption has the same meaning as in section 2 of the Adoption Act 1955.

4 Citizenship by descent continues for persons whose adoptions outside New Zealand were recognised before commencement date

(1) This clause applies if, before the commencement date, a person—

(a) was adopted pursuant to an overseas adoption that was recognised under section 17 of the Adoption Act 1955 (as then in force); and

(b) was deemed to be a child of a New Zealand citizen under section 3(2)(b); and

(c) had the status of a New Zealand citizen by descent by virtue of section 7(1).

(2) On and after the commencement date, the person continues to be a New Zealand citizen by descent.

(3) Subclause (2) applies whether or not before the commencement date an application was made under section 7(2) to register the person's citizenship status.

(4) This clause applies despite section 7 of the amendment Act.

Legislative history

16 September 2025	Introduction (Bill 206–1), first reading, second reading, committee of the whole House, third reading
17 September 2025	Royal assent

This Act is administered by the Ministry of Justice.

Wellington, New Zealand:
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