MARTIN JENKINS

TARGETED ENGAGEMENT: ADOPTION LAW REFORM REPORT

Final Report

Hāpaitia te ara tika pūmau ai te rangatiratanga mō ngā uri whakatipu.

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8 December 2021

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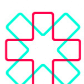

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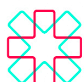


PREFACE

This report has been prepared for the Ministry of Justice by s9(2)(a)

MartinJenkins advises clients in the public, private and not-for-profit sectors. Our work in the public sector spans a wide range of central and local government agencies. We provide advice and support to clients in the following areas:

- public policy
- evaluation and research
- strategy and investment
- performance improvement and monitoring
- business improvement
- organisational improvement
- employment relations
- economic development
- financial and economic analysis.

Our aim is to provide an integrated and comprehensive response to client needs – connecting our skill sets and applying fresh thinking to lift performance.

MartinJenkins is a privately owned New Zealand limited liability company. We have offices in Wellington and Auckland. s9(2)(a)

DEDICATION PAGE

We want to offer a heartfelt thank you to all of those with experience of adoption and whāngai, who so generously shared their poignant and inspiring personal stories with us.

Ko te ahurei o te tamaiti aroha o tatou mahi. He mihi nui ki a koutou o ngā hau e whā, ngā pou tāhūhū o te motu, i te wairua o ou whakaaro. He whakamihi ki a koutou i te kaha o te whakaraerae, o te maia, o te oranga ngākau.

Let the uniqueness of the child guide our work. A thank you to you, the four winds, the pillars of the land for the spirit of your thoughts and ideas. We strongly acknowledge your strength in being vulnerable, brave, and heartfelt.

For our Samoan participants:

Avea ia lenei avanoa tāua tele ua maua, e molimoli atu ai sa matou faafetai faaleauau ia te outou sa auai i lenei su'esu'ega; i le lava papale ma le tou faatamālii, o outou taimi, aemaise le tōfā loloto ma le utaga sasaa auā le piiama i suiga tulafono a le Mālō. E lagona le agaga maualalo ma le faagaeetia i la outou tufa mai ma fa'asoa mai, pei ona tatou talatalaina i lenei faamoemoega. Pei ona ua patipatia ai 'aao o Feepo, auā ua tau lau o le faamoemoe i le malae i Moamoa.

Ia foai atu pea le soifua ma faamanuia tele le Alii mo outou. Faafetai, faafetai tele lava.

We take this important opportunity to sincerely thank those who have been part of this research: our participants for their time, effort, attitude of service, insights, and vision with contributing to this engagement and reform. We feel humbled and honoured to have heard your stories, your heart, and experiences. Samoan legend says that 'Feepo clapped his hands with joy celebrating that victory was at hand a Moamoa'. May the giver of life sustain and bless you. Thank you, thank you very much.

We would also like to thank the team of young co-designers who worked with The Hive to design social engagement and weave together what we heard: Thank you for your honesty, imagination, and vulnerability.

And finally, a thank you to the wonderful team at VOYCE Whakarongo-Mai who provided clinical feedback on all our Instagram content and mental health support for our co-designers. We couldn't have done this mahi without you.

INTRODUCTION AND BACKGROUND

Aotearoa New Zealand’s adoption laws no longer reflect our society’s values, cultural expectations, or international best practice

The Adoption Act 1955 has not been substantially updated since its enactment and no longer reflects society’s values and best practice; nor is it fully aligned with Aotearoa’s human rights obligations.

The Government is committed to reforming and updating the adoption laws and the Ministry for Justice carried out a public consultation in late 2021.

The Government’s reform is guided by the following objectives:

- To modernise and consolidate Aotearoa New Zealand’s adoption laws to reflect contemporary adoption processes, meet societal needs and expectations, and promote consistency with principles in child-centred legislation.
- To ensure that children’s rights are at the heart of Aotearoa New Zealand’s adoption laws and practice, and that children’s rights, best interests and welfare are safeguarded and promoted throughout the adoption process, including the right to identity and access to information.
- To ensure that adoption laws and practice meet our obligations under Te Tiriti o Waitangi and reflect culturally appropriate concepts and principles – in particular, tikanga Māori – where applicable.
- To ensure appropriate support and information is available to those who require it throughout the adoption process and following an adoption being finalised, including information about past adoptions.
- To improve the timeliness, cost, and efficiency of adoption processes where a child is born by surrogacy, whilst ensuring the rights and interests of those children are upheld.
- To ensure Aotearoa meets all its relevant international obligations, particularly those in the UN Convention on the Rights of the Child and the Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption.

Adoption in New Zealand Aotearoa – as it stands today

Domestic adoption in Aotearoa New Zealand has decreased dramatically over the last 50 years.

At its peak in the 1970s, there were almost 4000 adoptions a year, but our most recent data shows just 125 domestic adoptions were legalised by our family court in 2020/21. Intercountry adoption numbers under the Hague Convention are also relatively low (18 adoptions were granted in 2010). Intercountry adoptions outside of the Hague Convention process make up the vast majority of adoptions made in Aotearoa (approximately 820 children adopted overseas were granted citizenship by descent in 2020, the majority of whom were from Pacific Island countries).[1]

Aotearoa adoption laws are currently encapsulated within three Acts: The Adoption Act 1955, the Adult Adoption Information Act 1985, and the Adoption (Intercountry) Act 1997. Most adoptions in Aotearoa take place under the Adoption Act 1955, which mandates a transfer of the legal rights and responsibilities for children from birth parents to adoptive parents. The adoption order also removes the child's legal relationship to their birth family, whānau, hapū, and iwi. The Adoption Act does not currently outline set purposes of adoption.

Currently, the Adoption Act 1955 sets out:

- who may adopt and be adopted
- when an adoption order may be granted
- the effect of an adoption order
- recognition of intercountry and overseas-made adoption orders, and
- how adopted persons may access their adoption information as adults.[2]

'Other aspects' of adoption practices have also developed through the operational processes of Oranga Tamariki - Ministry for Children, and other agencies. These pertain to:[3]

- support and information for participants in the adoption process
- processes for assessing the suitability of adoptive applicants, and
- any arrangements for post-adoption contact between a person who is adopted and their birth family and whānau.

[1] Ministry of Justice, *Interim Regulatory Impact Statement: Consultation options for adoption law reform,* (2021). https://www.justice.govt.nz/assets/Documents/Publications/Interim-RIS-Consultation-options-for-adoption-law-reform-Proactive-Release.pdf

[2] Ibid.

[3] Ibid.

A national consultation is underway, and targeted consultation is needed, to ensure that a diverse range of voices from communities in Aotearoa affected by adoption are heard

Background

The Ministry of Justice engaged MartinJenkins to design an engagement and communications process to consult with three target groups that they were especially interested to hear the voices of: Māori, Samoan communities in Aotearoa, and young people with experience of adoption.

Public consultation on adoption law reform, based on the discussion document, *Adoption in Aotearoa New Zealand*[4], began on 18 June and closed on 31 August (with late submissions accepted until mid-September). Submissions could be made via an online survey, email, or post.

The Ministry received 271 submissions from organisations and individuals with an interest in or experience with adoption.

As of October 2021, officials from the Ministry have met with 26 individuals and groups. They engaged with individuals impacted by adoption, adoption support groups, the judiciary, academics, professionals in the adoption space including lawyers, ethnic community members, Māori and other relevant organisations. Some in-person discussions have been postponed until they can be held face-to-face.

Māori

Our current adoption law was written at a time when concepts of children being a 'blank slate', and needing a 'clean break' were underlying philosophies about adoption in Aotearoa. The majority of adopted Māori babies went to Pākehā families, and many lost their connection to their Māori whakapapa. For some, the impact of these adoptions on their cultural identity has been a life-long struggle[5].

Māori have long had their own cultural practice of sharing the care of a child, known as whāngai. Unlike the closed adoptions that took place under the adoption law, whāngai placements were openly acknowledged, and usually occurred within the whānau. The cultural practice of whāngai has been impacted by processes of colonisation, and pushed first into, and then outside of, the law[6] - but it has endured and continues today.

4 Ministry of Justice, *Adoption in Aotearoa New Zealand: Discussion document*, (June 2021)

5 Maria Haenga Collins, "Belonging and whakapapa: the closed stranger adoption of Māori children into Pākehā families", *Thesis presented in partial fulfilment of the requirements for the degree of Master of Social Work, School of Health and Social Sciences, Massey University, Aotearoa New Zealand*, *PhD diss.*, (Massey University, 2011).

6 Karyn Okeroa McRae and Linda Waimarie Nikora, *Whangai: Remembering, understanding and experiencing* (MAI Review, 2006). https://researchcommons.waikato.ac.nz/bitstream/handle/10289/1230/Nikora%20-%20...?sequence=1

Developing more understanding of Māori perspectives on adoption and of the different types of whāngai arrangements seen in their communities is an important aspect of adoption law reform.

We approached people who identify as Māori and had lived experience with adoption or whāngai. They were matua whāngai (whāngai parents), matua whānau (birth parents), tamaiti whāngai (whāngai child), adoptive parents and adopted children.

Young people with experience of adoption

Younger adopted people born since the enactment of the Adult Adoption Information Act 1985 have had a different experience of adoption, compared to older adults who were adopted in a time when secrecy dominated the process, and closed adoptions (sometimes described as 'clean break' adoptions) were the norm.

Far fewer babies and children are adopted now than in previous decades and these adoptions involve more complex issues as society's values have changed considerably. We sought to gather a wide range of perspectives on adoption law reform from younger adopted people who can make a valuable contribution to law reform. We also heard from two young people who had experience of long-term care, and young people interested in adoption, who contributed to our online consultation segment.

Samoan communities

Many adoptions granted in the Samoan Family Court each year are then legally recognised in New Zealand.

In Samoa, vae tama, or vaetamaina, is an informal customary practice where a child is cared for by people other than their biological parents. Similarly to whāngai, vaetamaina is usually organised by the family and is a normal and accepted cultural tradition that is not governed by state law.[7]

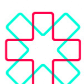
Formal domestic adoption in Samoa is a legal process that occurs in the Samoan family court under Part II of Samoa's Infants Ordinance, which is based on the New Zealand Adoption Act 1955. These adoptions can be automatically recognised by the New Zealand Family Court under Section 17 of the Adoption Act 1955 if they meet certain criteria[8]. If one of the applicants lives in New Zealand but is a Samoan citizen, this can still be considered under domestic adoption law in Samoa, and then recognised in New Zealand[9]. These adoptions are prevalent in New Zealand and in the report we describe them as Samoan adoptions recognised in New Zealand, or Samoan adoptions.

Samoan leaders have a strong influence on their communities. Central to Fa'a Samoa (Samoan culture) is the Fa'amatai (Chiefly) system, which is the traditional form of governance for Samoans. Inherent in the Fa'amatai system is the welfare and wellbeing of those they lead, including the

[7] T. L. M. Seumanutafa, & J. Corrin, "Plural Procedures for Adoption and 'Vae Tama' in Samoa" in *The Plural Practice of Adoption in Pacific Island States*. (Springer, 2019), 87-106.

[8] In summary, New Zealand's law recognises adop ions made in overseas countries if the adoption: is legally valid in the country it was made; gives the adoptive parents greater responsibility for the child's day-to-day care than the bir h parents; and is made in a specified country.

[9] T. L. M. Seumanutafa, & J. Corrin, "Plural Procedures for Adoption and 'Vae Tama' in Samoa" in *The Plural Practice of Adoption in Pacific Island States*. (Springer, 2019), 87-106.



guardianship and protection of family and resources, as well as culture and customs. Samoan leaders, including Matai (chiefs), Faifeau (church ministers), and Samoan adoption-experienced people were included in this research.

Qualitative engagement to gather rich insights

The research was undertaken between July and October 2021 using a range of primarily qualitative approaches that were tailored to each of our audiences.

Within our target groups, participants were made up of a cross-section of the community of Aotearoa who have lived experience of adoption professionally, personally, and culturally.

The analytical frameworks for our three populations are included in the appendices.

An analytical framework informed our information gathering phase

An analytical framework was created to devise 'common questions' that were relevant across all of the three target groups, and 'focus questions', which were specifically relevant to target groups, or subsets of target groups.

The analytical framework had two levels:

- **Master framework**, which identified the overarching questions and domains of inquiry for the research that cut across target groups and/or were of highest priority for a target group.
- **Target group frameworks**, which identified the priority questions and domains of inquiry for each target group and detailed questions and domains that flowed from these.

The analytical framework was developed to reflect the project brief, and was informed by issues papers provided by the Ministry that explored adoption-related issues and themes, and our team's existing knowledge of adoption from their professional experience. We refined the analytical framework in consultation with the Ministry, to identify their priorities for the research, and with our cultural advisors, to ensure the framework was meaningful for our target groups. Testing our analytical framework with the Ministry was important for ensuring our research would complement, rather than duplicate, other research and consultation activities that were underway.

From the analytical framework we developed data collection tools and structured our analysis. Throughout the data collection phase, we referred to the analytical framework to ensure that, across the full set of engagements, all the priority questions and domains were explored.

We used a mix of mostly qualitative methods to gather rich insights informed by individuals' views and lived experience

Our fieldwork involved six key methods, which were adapted to match our target groups.

Table 1: Key methods

Engagement	Kirirarau Māori	Adopted Young people	Young people	Samoan communities
Ethnographic scoping conversations	40	37	-	65
In-depth 1:1 Interviews	10	6	2	12
Talanoa	-	-	-	41* (from 4 talanoa)
Small group interviews	-	-	5 (in one group)	
Online consultation	-	~20	268	-
Case Studies	2	3	-	2
Total (in-depth / all)	**10 / 50**	**6 / 65**	**7 / 270**	**53 / 118**

* Due to Covid-19 related disrup ions, this report contains the findings from 1 talanoa (12 people). Insights from the remaining 3 talanoa, which were conducted after the material contained in the body of this report was produced, can be found in Appendix 4.

Ethnographic scoping conversations

- We undertook ethnographic scoping conversations with a wide range of people who are connected to the communities that are a focus of the research. These included people that have experience of adoption or whāngai, professionals who work with our target communities and community members that could act as intermediaries and make introductions to interviewees and talanoa participants for us.
- The key purpose of the scoping conversations was to ensure our 1:1 interviews were carefully targeted to include people with lived experience and from a wide range of situations.
- During scoping conversations, we described the purpose and focus of the research, and in addition to brokering connections to interviewees, many shared their own personal and professional views, insights and experiences of adoption and whāngai. While none of these scoping conversations are quoted directly in the report, these interactions provided a rich base of ethnographic insights that provided greater context for the research.

In-depth 1:1 interviews

- We undertook one-on-one interviews via both kanohi ki te kanohi (face-to-face) and huitopa/fui (video conferencing), with people across the country. Interviews were generally one-to-two hours in length, and in many instances involved multiple contacts with the same individual (including an initial conversation to establish the purpose of the research and participant's rights and a follow-up conversation to confirm details or our interpretation of key insights).
- Interviews were undertaken in English, te reo Māori or Gagana Samoa (Samoan language), as appropriate.

- Notes were taken throughout the interviews, and some, but not all, interviews were recorded.[10]
- Interviewers used a semi-structured interview guide that was designed for each target group, and then tailored for each interviewee (either in advance or in-flight as the interview was undertaken).
- A key priority for us was to provide space for interviewees to tell us their adoption story in their own words. To this end, our interviewers adapted the focus of their questions (within the analytical framework) according to the interviewees' interests and experience.

Structured Talanoa

- At the time of writing, three planned talanoa with Samoan leaders had been delayed due to COVID-19 lockdown restrictions.
- One online talanoa had been conducted and attended by 12 people, who included church leaders, Matai, and people with lived experience of adoption. The talanoa was convened by a lead facilitator and support facilitator, and conducted in Gagana Samoa (Samoan language) then translated into English. Facilitators used a structured runsheet, that focused the session on three discussion topics (in some cases using breakout groups), and took notes as well as providing mechanisms for participants to record comments in their own words.
- Three further talanoa are planned with Samoan leaders in Auckland, Christchurch and Wellington. They will use a similar structure and process. Findings from these talanoa can be viewed in Appendix 4.

Online consultation

- We hosted a seven-day kōrero with The Hive's Instagram community about adoption law reform. A detailed outline of the method and process is included in the appendices.

Case studies

- We approached a subset of participants for their permission to develop case studies that reflected an aspect of their experience. Individuals that agreed for us to develop a case study, reviewed and commented on content before the case studies were finalised.
- All interviewees, talanoa participants and focus group participants were provided with an information sheet and consent form in advance, which set out the purpose of the research, the focus areas for discussion and their rights as participants (including the rights to not take part, confidentiality, and to withdraw their participation).
- All interviews were conducted with sensitivity and consideration of the triggering nature of some of the subject matter, and a list of helplines and support groups was made available.

[10] In consultation with our cultural advisors, we decided that recording some interviews would not be appropriate and would be likely to dissuade participation. In those circumstances, extensive notes were taken during interviews, including to capture quotes, and where we had any uncertainty, we checked back with participants after the interview to ensure we had accurately captured their meaning and words.

Participants were identified through networks and referrals from trusted community members

We sourced kirirarau Māori, or Māori citizens, using the power of whānaungatanga to access people whose stories would not have otherwise been told.

- We identified 10 members in our community using community groups, marae groups, kaumātua, and social network groups targeting Māori. Some of these participants have experience of more than one whāngai or adoptive role (Table 2):

Table 2: Number of kirirarau Māori interviewees that have experience of different roles within whāngai and adoption processes

Role	Whāngai tamaiti	Whāngai matua	Adopted child	Adoptive parent	Birth mother who adopted a child
	4	4	4	1	1

NOTE: numbers do not add to 10 because individuals experience more than one role.

- We sought people from a diverse range of backgrounds. Specifically, people from different iwi and hapū, regional locations, age groups, who identify as LGBTQI+. This approach also enabled us to allow those who wouldn't have otherwise been willing to speak to Government, to do so through facilitating independence and trust.

Young people were sourced via the VOYCE-Whakarongo Mai network, through social media, word of mouth, and through the interviewer's own network.

- We interviewed six adopted young people. Four were adopted through non-kin domestic adoption, one through intercountry adoption, and one through stepparent adoption.
- Interviewees included a mix of females and males between the ages of 19 and 31, with a median age of 24.5.
- In addition, we interviewed two young people who were not legally adopted but had experienced long-term permanent care with a non-kin guardian. Their experiences provided an interesting counter-perspective both in terms of similarities with the experiences of adopted young people, and some differences. Where relevant, we have noted their experiences by indicating that the source is a young person (Young person, rather than Adopted young person).

Samoan leaders were recruited and recommended through mostly Auckland regional stakeholders, community organisations as well as through individual participant recommendations.

- There were 12 people interviewed, that included Matai (chiefs), Faifeau (national and local church ministers), vaetamaina-experienced and adoption-experienced people. Some participants have experience of more than one vaetamaina or adoption role (Table 3):

Table 3: Number of Samoan interviewees that have experience of different roles within vaetamaina and adoption processes

Role	Matai (Chief)	Faifeau (Church leader)	Adoptee	Adoptive parent	Birth parent of an adoptee	Professional support person of adoptee / adoptee parents
	4	6	3	5	1	3

NOTE: numbers do not add to 12 because individuals experience more than one role.

Our analysis was broad and deep

Our analytical framework formed the basis for our analysis, which looked broadly at findings from across our fieldwork with all target groups, to draw findings that were target group-specific.

To this end, our analysis was iterative:

- Our lead researcher for each target group undertook a thematic analysis of notes from engagements with their participants and documented key findings in relation to questions and domains of the analytical framework. These initial findings were moderated in two ways:
  - A second researcher who had not been involved in the fieldwork with that target group reviewed interview notes to ensure no findings had been missed or overstated.
  - Through a series of sensemaking workshops, the project team used critical questioning[11] to 'test' insights and assertions related to each target group.
- Cross-cutting themes and insights were identified using a three-step method:
  - A researcher who had not undertaken any of the fieldwork, facilitated a discussion of cross cutting questions and domains (based on the analytical framework) with the project team to draw out common and divergent findings, and to make meaning of divergence.
  - Insights and findings were documented by the researcher and reviewed by wider project team to ensure no findings had been missed, overstated or incorrectly interpreted.
  - A further sensemaking process (workshops and online collaboration) provided opportunity to 'test' and revise insights and assertions using critical questioning, and to provide further richness through addition of quotes and examples.

[11] In particular, we probed for a) supporting examples, b) counter examples, c) alternative interpretations, and d) deeper meaning, (for example, drivers and other associated factors).

Assumptions

At the point of consultation for this report, no reform proposals had been agreed by Cabinet. The Ministry's approach has been to cast the net wide in seeking input from the community and engaging at the earliest opportunity.

The Ministry's public consultation would likely have attracted groups and people active in the law reform space, who may tend to be more highly educated, and who were motivated and confident to make a written submission. MartinJenkins was tasked to pick up some of the quieter voices that might not have chosen to actively participate in law reform if it wasn't brought to their attention. Some of the people we spoke to also confirmed that they wouldn't feel comfortable speaking directly to representatives of government. However, our methods of engagement also tended to pick up those who were well-educated and interested in having their voices heard.

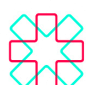
We worked hard to ensure we had a range of diverse participants.

Constraints and limitations

The stakeholder engagement portion of MartinJenkins' evaluation process has been significantly constrained by a nationwide Level 4 lockdown that began on 17 August 2021 due to an outbreak of COVID-19 in the community. This lockdown has continued at Level 3 in some parts of the country, including our largest city, Auckland. This has limited both the number of people able to be interviewed, and may have impacted on the quality of interviews, due to the need to conduct them online. Only one of four intended talanoa was able to be conducted (online) at the time of writing. The information gathered from three more talanoa will be attached as an appendix at a later date, including areas where findings were reinforced and any new findings. At least one person decided not to proceed with the interview due to their preference to speak face-to-face.

People with experience of adoption and whāngai are a difficult population to locate, due to their experience often being invisible and not necessarily well-known to others. Attempts were made to contact people through adoption-related groups and organisations, but possibly due to many organisations being closed over the lockdown period, participants were not as forth-coming from those methods as we would have hoped.

Our report should not be seen as a representation of a particular group or community, but rather an insight into individual experiences which has led to cross-cutting themes that can be further explored by the Ministry if they choose to do so.



KEY FINDINGS

This section offers key insights that stood out from each of the three individual target groups, but were not necessarily common to more than one group.

Māori who grew up within whāngai arrangements preferred whāngai to adoption, because of its ability to uphold cultural values and continue connection to whakapapa

All participants with experience of whāngai (matua and tamaiti) agreed that whāngai was better able to cater to the cultural, emotional, and spiritual needs of a child (when compared to adoption). This was due to direct access to whakapapa, the ability to maintain whānaungatanga, and the upholding of a sacred tradition of caring for a child and serving whānau.

Our Māori participants perceived risks to the cultural safety and wellbeing of birth parents and whānau under the adoption pathway

Māori participants told us that there may be cultural shame and judgement for adopting out their child, through having their legal rights removed and participation revoked, as well as the risk of becoming completely disconnected from the child. Whāngai, in contrast, was seen as a traditional process with mana, and without shame attached to it.

Whāngai practices are seen as flexible, and able to provide stability and security without the need for finality

Whāngai is viewed as providing stability and belonging, without the need for the permanency or finality that ensues with legal adoption. A whāngai arrangement may be flexible, giving the child stability for a period of time, depending on the needs of the child and whānau. Security, protection, and belonging are seen to be maintained by the nature of remaining within the wider whānau, and connection to cultural identity.

Adoption has offered young people stability, protection and opportunity

Most of the adopted young people we spoke to, talked about growing up feeling loved and wanted in their adoptive family. Some specifically referenced the feeling of belonging that came from being legally attached to their adopted family. Most of them reflected that their adoption accorded them privileges and opportunities they wouldn't have had access to in their birth families.

> *"So long as you have love and consistency and boundaries and someone who's going to hold you accountable, and someone who's a viable person to look up to, then I think that's probably the most important thing." – Adopted young person*

Adopted young people want the rights of birth fathers and wider whānau members to be considered at the point of adoption

All of the adopted young people we spoke to made some reference to the lack of engagement at the point of adoption with birth fathers and their whānau. This occurred for various reasons, but birth fathers were often the missing cultural link for our young people. Some of them saw a benefit in the adoption process supporting birth fathers in the early stages, possibly through greater whānau involvement. If the birth whānau didn't want to be involved, our participants felt that there was still a role to provide information for the child being adopted.

For Samoan communities, cultural values inform the why, where, and how of vaetamaina and adoption arrangements

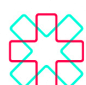
Our Samoan participants felt that cultural values and beliefs are present at all stages of vaetamaina, and often inform the purpose and drivers of Samoan adoptions that are recognised in New Zealand. These values were also seen to influence the nature of adoption arrangements and the view of what's best for the child and family.

Safety is noted as a concern for some adopted Samoan young people

Samoan community leaders told us they were interested in having processes and support systems that ensure children and young people are safe in their new homes. Many reflected that they'd like to see more vigorous vetting procedures for prospective adoptive parents in New Zealand, such as criminal record checks and home safety inspections. This is both to prevent the opportunity for an adoption to be used as a vehicle for abuse or exploitation of a young person, and to ensure that the prospective adoptive family have the means to take care of the child.

There is a risk of 'cultural shock' for Samoan adoptees coming to Aotearoa

We heard that some adopted Samoans may not speak English fluently and may struggle with the New Zealand education and economic systems. Many participants felt that more information, guidance and oversight for these children and young people could be helpful. There were suggestions that more information could be given pre-adoption in Samoa, and that support could come from within the Samoan community both in Samoa and New Zealand.



CROSS-CUTTING INSIGHTS

This section offers insights that were common across all three target groups

The law needs to accommodate and enable diverse values and experiences

There is no single adoption or whāngai experience

This statement may seem obvious, but it was a clear message in our research; if our adoption laws are to serve our diverse population in Aotearoa, they will need to accommodate this diversity.

What is *best for the child*, is a concept informed by culture, values, beliefs, and experience

There were some common ideas about what is best for the child. For many of those interviewed, the rights, safety, wellbeing, and stability of a child were important factors. However, to some extent, these are culturally constructed concepts that are not universally defined.

Contrasting cultural frameworks, such as collectivism or individualism, view these concepts through different lenses. Individualism promotes the rights and concerns of an individual person. A collectivist lens prioritises the rights of a community, and collectivist cultures may see what is best for the child as an extension of what is best for family (or even iwi and village). Many of our Māori and Samoan interviewees told us that they viewed their children's needs through this collectivist framework.

Additionally, different value systems may prioritise different outcomes for children. For example, insights from our Samoan population show that access to educational opportunities and training, and cultural values (such as the sacred love between siblings) inform decision-making. This also extends to wellbeing and safety, which might be looked at from an immediate, short-term perspective or take a longer-term approach.

Families are not always nuclear; the law could support more diverse family arrangements and more family bonds, rather than fewer

For the Samoan community, the purpose and practice of vaetamaina and Samoan adoptions recognised in New Zealand, is seen to strengthen bonds between families. This tends to be true also of whāngai, which participants told us may extend ties to wider whānau relationships. In contrast, adoption, in its current legal form, was seen to sever ties with one family to create new ones.

While in practice many of our adopted young people have maintained relationships with their birth whānau, these connections were not supported well, or safely, by the adoption law.

Adopted young people and Māori spoke about wanting rights extended to wider whānau and family, and for their families to be included in the decision-making at the point of adoption and beyond. All of our communities wanted a more purposeful engagement process with the birth families. Additionally, some participants reflected that a more collective view of guardianship could be considered; this could involve key whānau and hapū members or community leaders.

> *"Everyone in the whānau should be able to be involved if they want to be, and those wider legal connections (uncles, aunts, wider whānau) are important. The few people who hold exclusive parental rights shouldn't be able to lock out others who might want to play a role and stay connected." – Adopted young person*

There are many ways in which culture interacts with adoption

Connection to culture is a source of wellbeing when it is present, and suffering when it is not

People with Māori whakapapa adopted into tau iwi (non-Māori) families told us that they frequently faced unique challenges; a loss or confusion of identity, an absence of exposure to Māori faces and culture, and a lack of resources to pursue their cultural inheritance.

This appeared to be exacerbated if they grow up in less multi-cultural parts of the country, or were adopted by immigrants to Aotearoa who had a limited understanding of their culture.

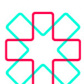
> *"It's really, really a complete loss of identity. I've been incredibly confused since about the age of 10 – I'd say, nine years of having absolutely no idea who I am, and how I fit in anywhere, really … I'm consistently misidentified. I go to the whare at my Uni, and I walk in, and because I have quite pale skin as well, everyone's like 'are you lost?'" – Adopted young person, Māori*

Māori participants brought up in a whāngai arrangement within their culture tended to be proud and grateful to have had this experience.

For our Samoan participants, the ability to keep culture and beliefs intact, as well as maintain connection with their aiga was of huge importance. We heard that this was a central consideration in both the purpose and the process of the adoption.

Stability and permanence are related but not interchangeable when it comes to adoption

Our research revealed a widespread desire among participants to feel security, stability, and a sense of belonging in their family, for as long as they require it.



Stability and security were key benefits of legal adoption for young people and some kirirarau Māori

For many adopted people, the permanent nature of their legal adoption accorded them stability, protection and belonging. For some, the legality provided a sense of security and reassurance; they are recognised in law to be part of this family, who wanted them forever. This was a strong thread amongst younger adopted people, regardless of cultural background, but this was also reflected by one adopted person in our kirirarau Māori cohort.

> *"That legal binding of adoption is really special. I think it's really sacred. And, you know, I think every kid growing up deserves that." - Adopted young person*

> *"It gives me real security and comfort knowing that I am a [last name] and I am wanted, and belong." – Adopted person, kirirarau Māori*

Stability and belonging are also key benefits for those with experience of whāngai

Our participants told us that stability was present in whāngai arrangements that provided flexibility for whānau, without needing the permanency of legislation.

Adopted people face unique challenges that warrant unique support and guidance

Adoption can expose children and young people to risk – to their immediate safety, and long-term wellbeing

There is vulnerability associated with being adopted (and sometimes whāngai) that participants felt was not currently recognised or acknowledged by the law. They believed this vulnerability warranted a heightened level of protection and support for their wellbeing throughout childhood and beyond.

At present, once an adoption has been recognised, there is no legal obligation for any further support or oversight for the adopted person, their birth families, or their adoptive family. Participants raised safety risks associated with this lack of oversight, with examples of unsafe living arrangements given across all three cohorts. Our participants also talked about the emotional and mental health challenges that can arise from being adopted, of which there is no recognition in the current system and no obvious place to access guidance.

Supports are often needed through childhood and beyond

Adopted people are likely to experience mental health difficulties, yet the law doesn't account for post-adoption support. Many of our participants spoke about the complex challenges that have arisen from their adoption; both emotional and practical. This theme was common across all cohorts. There was a strong desire among our participants for specialised mental health support that is accessible and ongoing.

> *"Adoption has affected me on such a cellular, emotional and psychological level. But it takes you a really long time to understand that." - Adopted young person*

Adopted people and community leaders told us that they would like access to specialised adoption services that include therapy, guidance, cultural programmes, and support groups. The Samoan community expressed the need for curated services that can support the transition of a young person to a new way of life, such as access to educational and training pathways.

Adopted people want to participate in adoption processes in ways that are safe and appropriate

For people who are adopted at a very young age, 'participation' may not begin until they are older – some would have liked support to have their views considered as they got older.

Adopted young people, especially, said they wanted their views heard and their rights monitored if an adoption was made when they were old enough to participate. Samoan communities also referenced including the voice of the child or young person when considering law change. We heard that some people in this cohort are adopted as teenagers and may not fully understand the legal ramifications of their adoption. Adopted people across all groups told us they wanted a say about their names, identity, and access to birth whānau and family.

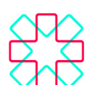
Knowledge is power; our participants want the right to access as much information as they want and need about their adoption and their birth families

Whether whāngai or adopted, our participants were clear that they want the right to access all information about their adoptions and birth records, their whakapapa, aiga and iwi information, and the health records of their birth parents.

The lack of information about their history was a common theme in discussions and a cause of ongoing stress for many. We heard that access to information has been empowering for those that have it – our participants don't necessarily want an ongoing relationship with their birth family; they just want the choice to be theirs to make.

For whakapapa and connection to wider family

Many adopted people we spoke to do not know one or both sides of their birth genealogy. This was rarer in Samoan adoptions recognised in New Zealand, but still a concern for a few. Some adopted people raised the feeling of not being 'allowed' to claim their Māori or other heritage because they live with a tau iwi family and appear Pākehā. Several interviewees said that this information should be required and rigorously sought from birth families.



"My dad's a little bit Māori. I wanted to connect with him about that, but he doesn't talk about that stuff and doesn't talk to his own family because of my birth mum. I was never able to get any info. I don't know my iwi. I only found out about my half-sisters a while ago. 100%, that information should be given to the child; the parents should have to give that information." - Young person

For identity and understanding

Regardless of whether they chose to explore it, adopted people across the three groups wanted the ability to have full and complete access to their birth records so that they can understand who they are, where they come from, and why they were adopted.

Many adopted young people have been given this information and are grateful for the context it provides, as illustrated by s9(2)(a) story. However, some people have gaps in their knowledge that cause them distress and frustration.

"It's sometimes really hard when choices are made for you when you have no control … actually, that affects you later … when you feel like, 'okay, I wonder why these decisions were made, what happened in that decision-making process?'... I think this [information] should be readily available to access for anyone who's in that space." - Adopted young person

For health and wellbeing

Adopted people experience health difficulties and disorders that may not be present in their adopted or whāngai families, as they are inherited through genealogy.

Some interviewees across all cohorts told us that there was an impact on their health due to lack of access to, and knowledge of their medical history. This was usually because one or both parents were unknown or didn't have a relationship with the child. Access to genetic health implications and pre-existing family health concerns were sometimes unavailable or unknown.

This may be less likely in adoptions where a good relationship has been formed between the birth family and adoptive family, but our research suggests that seeking this information prior to adoption would be beneficial.

"The health stuff, that's really difficult. I think I probably found that the hardest because I'm not in great health … All these questions. Do you have this in your family? I don't know. I could not tell you that … even though this is an open adoption, I don't necessarily get all the answers from my dad, because I don't talk to my dad … I don't think you should have to stay in contact. But you should still have access to information." – Adopted young person

KIRIRARAU MĀORI EXPERIENCES OF WHĀNGAI AND VIEWS ON ADOPTION LAW

Research with our kirirarau Māori (Māori citizens) focused on understanding whāngai and hearing Māori views on adoption law

For our Māori participants, conversations about adoption necessarily became conversations about whāngai.

Whāngai – meaning 'to feed' – is a longstanding cultural practice for Māori where a child is cared for by people other than birth parents. Unlike adoption, whāngai normally occurs within a whānau (family) or hapū (sub-tribe) and can be a permanent, temporary, or shared arrangement. In most whāngai situations we came across, there was no legal recognition of the arrangement. Individuals will be motivated to use the whāngai route for diverse reasons and will utilise different types of arrangements, which we will explore in this section.

Developing a better understanding of Māori perspectives on adoption, the different types of whāngai arrangements, and the various drivers will be important to contribute to law reform that is in line with Te Tiriti o Waitangi (Treaty of Waitangi).

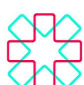
The tikanga of whāngai: whāngai is taonga

Whāngai is the process of combining of two taonga

In te ao Māori, tamariki (the youngest generation and future leaders of the community) are viewed as taonga (treasure). When considering the care of a child, tradition would dictate that tamariki should be treated the same way one would handle a treasure. Therefore, when a child is given, they are given as a gift of love to be treasured by those who are caring for them[12].

In the same respect, the process of whāngai is also considered a taonga; a cultural treasure that embodies and encapsulates many sacred principles of te ao Māori. Participants consistently reflected the belief that the cultural practice of whāngai is something to be proud of, rather than being regarded as a last resort or a necessity. s9(2)(a) story gives an example of the sense of pride that a tamaiti whāngai can feel in this arrangement. Positive and negative experiences may lead to whāngai taking place, but whāngai should be treated as inherently special, regardless, because it is a combining of two taonga.

[12] Karyn Okeroa McRae and Linda Waimarie Nikora, *Whangai: Remembering, understanding and experiencing* (MAI Review, 2006).



In most instances that we came across, these two taonga were aligned, meaning the process was viewed as special, and the outcomes were positive for those involved. However, in some instances these two taonga were not aligned; the needs of the child may not have been met or were not able to be met by the practice.

Whāngai means ‘to feed’ – which provides insight into the core concept that underpins the practice, being one of caring for, rather than owning tamariki

In te ao Māori, every being is infused with its own mauri (spirit or living essence). Māori traditionally see their responsibility for tamariki as a guardianship role, to care for, support (and feed) the child’s mauri. Māori participants tend to reject concepts of ownership and see children as not able to be owned, only cared for[13].

Whāngai and atawhai can mean different things.

Atawhai may refer to a child who has short stays with a family member. For example, grandchildren who go to a grandparents’ house every weekend, or a child who regularly spends a week or two with an aunty or uncle. Whāngai is considered more formal in nature and tends to be for longer periods, with more permanency.
A child can be cared for through atawhai and whāngai at the same time.

> *“My uncle told me two different types, whāngai or atawhai. Atawhai to me means breezing in and out of the house, and whāngai is more formal looking after.” – Whāngai tamaiti*

Collective responsibility is a fundamental Māori value that informs whāngai

Māori society is traditionally based on a notion of collective responsibility and more emphasis may be placed on the wellbeing of a group (such as whānau, hapū or iwi), than on the wellbeing of an individual. Māori may see the responsibility of raising a child as extending beyond just the parents, to the wider whānau and even hapū[14].

Our kirirarau told us there is a sense of responsibility inherent in whāngai to raise the child to uphold the values of Māori society and pass these on to future generations. The matua whāngai take on the responsibility to nurture and care for the child in a way that will ensure positive outcomes for that child. Tamaiti whāngai often bear this responsibility later in life, as whāngai children become repositories of hapū knowledge.

> *“Giving within the family is important – [for the child} to have a relationship with their tikanga, and know where they come from.” – Whāngai tamaiti*

[13] Karyn Okeroa McRae and Linda Waimarie Nikora, *Whangai: Remembering, understanding and experiencing* (MAI Review, 2006).

[14] Ministerial Advisory Committee. "Puao-te-Atatu: The report of the Ministerial Advisory Committee on a Māori perspective for the Department of Social Welfare." Wellington: Department of Social Welfare (1986), 29.

Whāngai practices vary across iwi

There isn't one type of whāngai; every arrangement is unique to the child, matua, whānau and iwi involved

Our participants told us that every hapū and iwi have their own practice of whāngai and different reasons for doing it. The variations in tikanga between iwi were not always known by participants.

Whāngai is a cultural taonga to all Māori, but not recognised equally or held in the same regard by different hapū and iwi. Some iwi will use whāngai as a cultural practice where parents will gift their eldest child to their grandparents to be raised, to ensure that knowledge carries on through the generations.

Participants also described different iwi as having their own rules about whether they would recognise whāngai children as beneficiaries of the iwi. Some iwi are known to accept whāngai children as beneficiaries and will enable a parent to register a child. Some iwi will accept legally adopted children as beneficiaries and not whāngai children.

The drivers of whāngai vary between whānau and iwi

A whāngai arrangement is often designed to meet the needs of the child, parent, whānau and hapū.

Table 4: Drivers of decisions to whāngai and nature of whāngai arrangements

Parents' needs	Tamariki needs	Whānau needs	Hapū needs
The parents' desire for a child. The parents' needs (emotionally and culturally). The parents' desire for the child to access things the birth parents can't offer (financial, housing, cultural connection)	Connection to culture and whakapapa. Emotional and physical needs. Financial needs. Stability and safety.	Strengthening relationships. Providing support. Strengthening relationship to whakapapa.	Passing on knowledge and traditions (for example, gifting eldest child to grandparents). Reviving and maintaining te reo Māori. Kaitiakitanga of the whenua and land. Strengthening whānaungatanga between hapū and iwi.
For example: A parent, unable to provide for and meet the needs of a child, is able to gift the child to someone who is able to, whether temporary or permanently.	*For example: A child is cared for by a whānau member that is best able to meet their needs at a given point in time.*	*For example: A child being raised and cared for by a person in the wider whānau who may not otherwise be able to have a child.*	*For example: A child being raised by a grandparent, to ensure cultural traditions, iwi knowledge and language are upheld.*

Decisions about the ongoing nature of the whāngai arrangements can be driven by any of the needs outlined above.

Some examples of specific circumstances and drivers from our research are:

- a single mother is unable to care for her child permanently, and so gifts the care of her child to her sister, but remains connected, spending holidays with her child
- a parent believes that a child is better cared for by a cousin and so accepts a temporary offer of care from a cousin for two years
- a cousin is unable to have a child, so the mother gifts one of her children to the cousin
- a whānau and iwi tradition where the oldest child is 'shared' with the grandparents.

> *"His mum is my cousin. She asked us when he was 2 weeks old if we would whāngai him. She gave us 3 days to decide and we said 'yes of course'. She flew to Wellington … and gave him over. Stayed with us for a week and taught us how to be parents … Her family had given a whāngai to my koro (grandfather) in the previous generation, so it was like we were continuing the tradition…she wasn't with her partner and she wanted the child to have two parents." – Matua whāngai*

Benefits of whāngai are experienced by individuals, whānau and hapū

Participants feel enormous pride associated with being whāngai – resulting in a strong sense of self-worth and identity

In our research, Māori children who were whāngai tended to feel comfortable within their culture and had Māori language and cultural capabilities.

Factors identified with positive outcomes for participants include:

- remaining within whānau, which has many benefits:
  - maintaining connection to whakapapa
  - maintaining connection to culture
  - maintaining connection to birth parents
- being treated as taonga
- feeling secure

> *"I have always had a positive perspective on being whāngai; as [you] get older you just forget you aren't blood. It was never hidden for me – I was told as soon as I was old enough and what made it great was that I know where I came from and connect to my Māori heritage. I knew my birth parents. I am still within my whānau." – Tamaiti whāngai*

Whāngai can maintain whakapapa, which is core to mātauranga Māori

For Māori children who are whāngai tamaiti, connection to their whakapapa comes from knowing their birth parents, or other whānau.

Many participants spoke of the need to know their whakapapa. Whakapapa is core to mātauranga Māori (Māori knowledge), which binds all things in te ao Māori. Whakapapa and linkages to ancestors and whānau are fundamental to Māori identity. Participants told us that whakapapa informs how they greet, introduce, and connect with one another, and it also forms their tūrangawaewae (place of belonging).

Whakapapa is often given by parents, grandparents or hapū and iwi, and in whāngai arrangements, the child almost always stays within their whānau and connected to their whakapapa.

> *"Our mana, and birth right, our ability to say who we are, is founded upon whakapapa." – Tamaiti whāngai*

Whāngai tamaiti are usually connected with Māori culture

In whāngai arrangements, the whāngai child often knows their own position within the whānau.

A child's access to their culture is seen by our participants as a source of self-identity, self-esteem, and mana. In our research, participants who were whāngai reported a strong connection to their culture, including knowledge of tikanga, an ability to converse and understand te reo Māori, and comfort with and knowledge of te ao Māori. Those who have knowledge of and immersion within their culture reported particular confidence in their self-identity. They were also more likely to feel positive about their experience.

Maintaining a connection to birth parents is beneficial for whāngai and adopted people

In our research, whāngai participants were likely to have a relationship with their matua whānau. There was also the ability to maintain those relationships (whānaungatanga).

Whāngai arrangements often secure long-lasting bonds and commitments to the whānau. All the whāngai participants in our research had a relationship with their biological parent or parents. Some relationships were stronger than others, but in every case the child knew who their biological mother was.

In addition to parent relationships, the relationship between mokopuna and their grandparents was mentioned to be of particular importance. Some participants had a relationship with their grandparents, which was central to passing down hapū knowledge, tīpuna lineage, tikanga, and iwi history. These bonds are seen to hold whānau and hapū together and ensure the longevity and resilience of iwi and society.

It should be noted that one adopted participant has also maintained his whakapapa connections through establishing a positive relationship with his birth mother. She taught him his whakapapa on

both sides, and he has used this to connect to his marae and wider whānau. He spoke of how powerful it was for him to have this information.

> *"It's incredibly empowering knowing I have been born for a purpose; to know I have a purpose that has been handed down to me … my father's generation were ravaged with addiction and Black Power leadership, drugs, alcohol … leadership can be through a gang or it can be in the community. Having it in your blood, you can choose either path." – Adopted person, kirirarau Māori*

Whāngai is perceived as a cultural process without stigma

Beyond the need to retain whakapapa and cultural identity, participants identified that whāngai was a process that was respected.

Whāngai structures have positive connotations and values attached to them and are seen as an integral social practice to ensure the wellbeing of the community, both for the benefit of the child and for the whānau. Participants talked about whāngai as a traditional arrangement, without judgement, that upheld the mana of those involved.

Whāngai is seen to benefit society and hapū

Within te ao Māori, raising a whāngai child is a duty and responsibility that comes with obligations[15].

Our participants told us that responsibility for the child sits with the matua whāngai. They must take on the responsibility to nurture and care for the child in a way that will ensure positive outcomes for that child. Tamaiti whāngai told us that they often bear this responsibility later in life, as they can be expected to become repositories of hapū knowledge. The whānau lies at the centre of the hapū, and when a child succeeds, so does the whānau and the hapū[16].

Whāngai is used to benefit members of the hapū who are childless, support parents who are unable to provide sufficient resources to raise a child, and gift children to those whose own children have left home. Whāngai is perceived as meeting the wider needs of the community as well as those of the child.

> *"In my family, the oldest child was always raised by the grandparents. Our boy was shared with us and we will share him with the whānau. Aroha is the base of what whāngai is." – Matua whāngai*

[15] Karyn Okeroa McRae and Linda Waimarie Nikora, *Whangai: Remembering, understanding and experiencing* (MAI Review, 2006

[16] Ibid.

Kirirarau Māori viewed whāngai as very different to adoption

The drivers of the adoption of kirirarau Māori were related to stigma and shame, and these affected our participants differently

The adopted kirirarau Māori we spoke with gave us these examples of the reason for their adoption:

- A single mother (not able to access contraception) was “forced’ to adopt her children out, one by one. She was led to believe that they would be better raised in a Pākehā household.
- A single mother, growing up in a Catholic family, feared the social judgement and inability to meet the needs of her child, so she decided to adopt out her child.

These drivers relate to Māori who were adopted in the ‘clean-break’ era of adoption. Shame, hurt and loss were prominent theme in one adopted participant’s korero:

> *“I was the last child. I was adopted through the newspaper. They had Māori adoption officers who used to coerce Māori women into adoption … it is a hurt, a pain, a loss that never leaves you.” – Adopted person, kirirarau Māori*

The other adopted participant, who was brought up with more of an open adoption style (with connection to his birth whānau) said that, despite the complexities of the drivers of his adoption, he had experienced “unconditional love” growing up in his family. His words are below:

> *“I don’t think there were ever challenges … I always knew I was adopted. I was the darkest – they were all ginger … [my upbringing] was full of sport, holidays, music, food, friends and family joining in … it was similar to a whānau or extended whānau set up.” – Adopted person, kirirarau Māori*

Our Māori interviewees identified core differences between the practices of whāngai and legal adoption

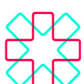
Whāngai can be permanent or temporary, where as adoption is always permanent

As whāngai is not based on legal ownership, there is flexibility for varying time periods. Whāngai are often long-term in nature but can also be for short periods of time, such as a few months or years.

In our research, the flexibility and lack of finality of whāngai was seen as preferable by many to adoption; decisions were reversible and were able to be reviewed as the needs of those involved changed.

> *“After my 5th child, my cousin who was deaf, I could see that she was struggling – her kids weren’t showing up at school, they were having financial and mental difficulties. So I went over and I said, ‘do you want me to take the kids for a while?’, and she said yes please. So for two years, they lived with me like my own children.” – Matua whāngai*

Whāngai is able to meet the needs of the child at different points in time, where as adoption is a decision that cannot be revisited



In our research, participants gave examples of their arrangement being reconsidered at frequent intervals. The arrangement appeared adaptable to different life stages, including situations where a whāngai tamaiti decided to return to her mother, and a birth mother who decided after two years that she was able to have her children back in her care.

> *"My niece whangaied her cousin and had done for a long time. Unfortunately the whāngai daughter, despite having more love than what she would have had otherwise, she decided to go back." – Tamaiti whāngai*

A whāngai child usually stays within the whānau.

A fundamental difference that participants identified between whāngai and adoption was, with whāngai, the child stays within the whānau. Whāngai almost always occurs within a whānau or hapū, which is not usually the case with legal adoption, which severs the legal rights of birth parents.

Openness and transparency.

Although the whānau matua (birth parents) are not always actively involved in the child's life in a whāngai arrangement, there were no instances in our research where the whāngai child did not know their birth parent or parents from a young age. Participants perceived whāngai as openly discussed and widely known by family members and the child. The openness was attributed by many to the mana and positive associations that go with whāngai, such as the view that a whāngai tamaiti is a taonga. Adoption was associated by some (but not all) with a sense of shame and secrecy. One adopted Māori described her experience as "closed stranger adoption", where she had "grown up with a lie, created by the Crown".

> *"Whāngai allows openness and acknowledges whakapapa from day one, Everyone in our whānau knows exactly what is happening. They know him for who he is; never had any aspect of who he is, hidden." – Matua whāngai*

By whānau, for whānau.

Whāngai arrangements tend to be agreed upon by the members of the wider whānau, not just the parents involved, and may also be part of a wider cultural tradition. This was not the case with the adopted Māori we spoke to, where they felt their wider birth family were not supported to be involved in the process, at the point of adoption.

Māori have reasons for being concerned about whāngai being considered under adoption law

Most participants believed that whāngai doesn't belong under the adoption law, and there were varying reasons and rationale for this.

Cultural: Taonga does not belong in law

Whāngai is a cultural taonga that has been used in Māori society for generations.

Our participants cautioned that any decision to interact with whāngai must ensure that the taonga is treated with respect and care. Given this, some participants felt that a taonga doesn't belong within the law, and that in doing so would undermine the tikanga of the process.

Conceptual: Whāngai is not adoption and the two should not be conflated

Bringing whāngai under the law has the potential to make whāngai look like adoption and has the potential to degrade the mana of what it means to be whāngai.

> *"Adoption is not whāngai at all. Breaking legal ties with the birth family… my god I can't even think about that." – Matua whāngai*

Many participants highlight the point that whāngai is different from adoption, both conceptually and in practice. They would not want whāngai be made to look like adoption does from a legal perspective, which may degrade the practice.

Practical: There is a lack of alignment between the framework of adoption and the lived reality of whānau and individuals

Whāngai is a multifaceted practice that is difficult to place into law because of the ways different people and iwi treat it.

Creating a law around whāngai could undermine the right of Māori to govern their own practices. Some Māori interviewees raised concerns about what regulation of whāngai might look like in practice, and how the law would be upheld. Some participants recognised that contemporary Māori social environments have contributed toward multiple manifestations of whāngai, by iwi and hapū.

> *"Are you going to make an Oranga Tamariki section for whāngai? This scares me. There needs to be regulation of whāngai but not this way... I don't want to have to fill in a form to send my son to my cousin's house." – Matua whāngai*

For many Māori, collective care is a normal concept. Some participants raised the fear that any combination of adoption, being predominately a legal framework, and whāngai, a conceptual and cultural practice, would not fit well for the care of a child. Specifically, participants were wary of judgement, and interference in their everyday life by the regulation of whāngai. Because of these differences in the way whāngai is perceived and practiced, the translation from practice to law was seen to be impossible by many.

> *"Adoption is just a legal framework which doesn't fit within whāngai. It is different because whāngai doesn't recognise a nuclear family." – Matua whāngai*

Commercial In Confidence

Impacts of colonisation: there is a lack of trust in the state to provide cultural safety

The impacts of colonisation on Māori are well-known, and many of our participants expressed wariness towards state involvement in this aspect of their lives.

Many participants were sceptical about the government's ability to protect the rights of Māori under the law and in practice. Many participants felt that the state would not uphold the mana of whāngai and could manipulate or undermine the practice. One participant, who compared her experience of closed adoption into a Pākehā family to the "horrors of war" viewed her adoption as a direct impact of colonisation and coercion. Some participants expressed:

- a lack of trust in government
- concern about the inability to be able to protect or change whāngai if it's in law, and
- concern regarding the potential administrative and financial burden of interacting with the law.

> *"I fear that whenever we have a tikanga put into law, it becomes subject to the Crown's definition and interpretation in law. Our ability to define our own tikanga becomes lost. It becomes a Crown-owned thing. Concepts are bastardised when they come into law. Don't bastardise another one of our tikanga." – Matua whāngai*

Whāngai practices will potentially continue to exist outside of the bounds of law irrespective of legal recognition

Participants suggested that any efforts to bring whāngai into adoption law or recognise whāngai legally, could be hindered by the potential of whāngai practices to continue outside of the law, regardless. This sentiment was particularly shared by those who have a lack of existing trust in the Crown.

There was openness to discuss ways in which whāngai could benefit from some form of legal recognition

Although many participants were sceptical of whāngai being recognised in law, there was some openness towards the subject of legal recognition and support.

Our research recorded aspects of whāngai that could potentially be improved by laws or legal recognition.

Legal recognition may protect the rights of whāngai tamaiti

The land rights of a whāngai child are contestable.

Participants spoke of those who seek to protect whāngai children's land rights and others who want to disallow them. Historically, there have been whāngai who received land inheritance from both whāngai

parents and birth parents, and this was seen by some as an unfair distribution. Some Pākehā children who were whāngai into a Māori family were denied inheritance to Māori land. Two participants who had legal experience advised that the Māori Land Court is now tasked with determining whether a whāngai child can inherit Māori land by utilising experts from that particular hapū. They agreed that this legal pathway provided a way for recognising tradition and tikanga, but questioned whether this was consistent or fair.

> *"When my father died, his siblings didn't recognise me to inherit my Māori land. When koro passed away, Aunty [name] and I had to fight for our Māori land. We were whānau, until we weren't. And it wasn't something they wouldn't have dared raise when he was alive." – Tamaiti whāngai*

> *"Who is an expert in whāngai?" – Matua whāngai*

Whāngai may not be recognised by the iwi of their whānau

As whāngai customary practices differ from one hapū or iwi to another, so does an iwi's interpretation of whāngai and the associated rights or recognition of whāngai.

Our research participants raised the issue of some iwi not recognising a whāngai child as having whakapapa, thereby denying them their right to register with their iwi and pass on that right to their children. One participant who had been adopted legally was able to register with their iwi, without a blood relationship or whakapapa to that iwi. The difference in recognition from iwi for a whāngai compared with an adopted child was a point of frustration for some participants. There was suggestion that a legal recognition of whāngai could enable iwi to reconsider their approach to whāngai.

> *"We are both from Ngāi Tahu, and they don't recognise whāngai. That is really problematic. We might have different practices across iwi and hapū, but it is because you have an iwi entity that accepts registrations; it's up to them. I can't take my boy with me to* s9(2)(a) *because they won't recognise him". – Matua whāngai*

There is potential for a whāngai arrangement to be unsafe

One participant, who had worked in the police force, suggested that whāngai could benefit from structure and guidance, via regulation or law, to ultimately ensure a child's safety. As whāngai is by whānau, for whānau, there are no independent checks or assessments made for the arrangement.

Access to essential services can be a barrier without legal recognition

Through our research we came across instances where access to essential services, such as education and healthcare were made difficult when the whāngai parent didn't have any legally recognised relationship to the child.

Many whāngai arrangements are carried out entirely within the whānau, often through kōrero and hui, which is then given a verbal agreement and, in some cases, a written or legal agreement. Where a legal agreement is not in place, such as guardianship, it can be difficult for whoever is caring for the child to access certain services, such as registering a child for school, giving permission for the child

to do an activity, and accessing medical records. Although these issues were not felt by all, they were frustrating for those who encountered them.

A couple of participants who experienced frustrations associated with accessing services resorted to applying for guardianship to uphold their rights when caring for a child. This was satisfactory for some, but did involve paying for legal support. Automatic recognition of whāngai could potentially alleviate this as a barrier.

> *"We settled for guardianship, closest thing to whāngai under law. It made us able to parent without severing ties. There was nothing else in the law to act as parents. We had really good legal advice – people might not know it exists." – Matua whāngai.*

Māori must be involved in all steps to design effective and culturally safe law

When participants were asked who should be involved in the process of addressing decisions involving whāngai, adoption and the impacts on Māori, there was a strong message that designing and decisions need to be done by Māori, for Māori.

> *"My whānau wouldn't engage with select committee, not even an interview like this. They wouldn't talk to you. I don't know how you get these voices. You need to avoid being dominated by loud voices; you need grassroots people. Ones that don't sit on boards." – Matua whāngai*

Specifically, participants mentioned utilising people with lived experience of the different roles of whāngai, adoption and atawhai.

> *"There is value in iwi consultation, but acknowledge that it is problematic because its only representative of few. A hapū-centric approach needs to be taken." – Matua whāngai*

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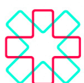

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YOUNG PEOPLE WITH EXPERIENCE OF ADOPTION

Young people's lived experience of adoption processes is important for the review of the current law

Many believe that children's rights should be at the heart of the adoptive process.

Currently, our adoption laws don't explicitly outline that a child's best interests should be considered, or that children can participate in the adoption process.

These considerations are often made, regardless, but are not legislated for, putting our adoption laws out of step with our other child-centred legislation, such as the Oranga Tamariki Act 1989 and the Care of Children Act 2004 (as well as the Hague Convention agreement).

Unlike children adopted under the 'clean break' philosophy of the mid-twentieth century, young people born recently have experienced a considerably more modern adoption process. These adoptions are commonly defined as 'open'; young people often retain some connection with their birth families and have access to their birth information. Much of the open nature of these adoptions happens despite (or around) the law, rather than because of the law.

There is surprisingly little local research on younger people's experience of these more open adoption processes, hence the younger adopted person's voice is essential to the consultation process. In her recent thesis on the subject, Olivia Potter writes:

> *"Adoptees from the early stages of open adoption practice in Aotearoa New Zealand are now in their twenties and thirties, and it is both timely and critical that research focused on open adoptees and their experiences of open adoption is brought into view."*[17]

Six one-on-one interviews were undertaken with adopted young people aged between 19 and 31.

Four of our interviewees had been adopted domestically into non-kin families, one was an intercountry adoption, and one a stepparent adoption. Three of these adopted young people had Māori whakapapa, one had Cook Island Māori heritage, and the remaining two were of either European or Pākehā descent. Because our adopted interviewees were all born from 1990 onwards, they all experienced a version of open adoption. In this section you will see these participants referred to as 'Adopted young people' or 'Adopted young person'.

In addition, we interviewed two young people who were not legally adopted but had experience of long-term permanent care with a non-kin guardian. Their experiences provided a counter-perspective

[17] Olivia Potter, "Open adoption narrative: snapshot into adoptees' adoptive and birth mother relationships", *A thesis presented in fulfillment of the requirements for the degree of Master of Arts in Psychology* (Manawatū: Massey University, 2020).

both in terms of similarities with the experiences of adopted young people, and differences. One of these young people had Māori whakapapa, and the other was European/Pākehā. Where relevant, we have noted their experiences in this section, with clear indication that the source is a young person who is not adopted.

Adopted young people have a spectrum of different experiences

Most, but not all, of the adopted young people we spoke to were adopted as babies.

They have a diverse range of upbringings, backgrounds and perspectives, and have experienced both benefits and challenges of growing up in their adoptive family. Many participants spoke positively about their experience, and others were pragmatic:

> *"I don't like to put negative or positive connotations to it, because I think it's just something that happens as a way to, for the most part, give a child a good life." – Adopted young person*

For some adopted young people, the core purpose of their adoption has been to offer them 'a better life', and this has been one of the benefits

The adopted young people whose parents willingly gave them up with the hope of them having a better life with more opportunities, spoke about understanding and being grateful for their birth parent's decision.

These young people were often still in contact with their birth parent and had generally maintained some form of relationship with them. Two participants, who were removed from their birth parents due to abuse or an unsafe home environment (and against the birth parent's will) had less positive relationships with their birth parents.

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> *"My birth mum had mental health issues. And that's why she couldn't take care of me. So, she did put me up for adoption, and then my mum who adopted me made sure that I kept in contact with my birth mom; she thought it was important that I grew up knowing I'm adopted. She viewed that as my right. And I think that's very respectful…You know, willingly giving up a kid is a very strong thing to do." – Adopted young person*

Participants believe that adoption affords them love and stability

Most adopted young people we spoke to talked about growing up feeling loved and wanted in their adoptive family.

There was one participant, who was adopted by her stepfather, and later abused by him, who did not share this experience. One participant was able to compare her situation with that of her biological sibling who had remained with her birth parent. She saw her sister as having enormous potential, that was unrealised due to the stressors and challenges present in this family, exacerbated by being removed several times and returned. This had informed our participant's view that stability and love were vital to any family situation:

> *"So long as you have love and consistency and boundaries and someone who's going to hold you accountable, and someone who's a viable person to look up to, then I think that's probably the most important thing." – Adopted young person*

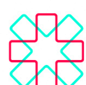
Many participants reflect that adoption affords them privileges and access to opportunities they wouldn't have had access to in their birth families

A common theme that arose was the opportunities that adopted young people have had to access higher education, and a life pathway that is available through education.

All but one of the participants interviewed are currently enrolled in university, or have completed university degrees, which may be part of the reason why education was top of mind for them.

Adopted young people also talked about opportunity through the lens of challenges that they avoided by being adopted. These were either based on speculation (if they had not stayed in touch with their birth family) or based on observations of their birth parents' lives. Poverty and mental health challenges were common factors for their birth parents.

> *"I'm super grateful and glad that I was adopted out because I hate to think what my life I suppose would have been if I have stayed – Would I have had a career? Would I just be a druggie? Would I have millions of children, or would I just be sitting on the dole? … I highly doubt that I would have been able to become the person who I am ... if I had have stayed in that environment." – Adopted young person*



The legally binding nature of adoption can make adopted young people feel protected, and accepted

Some adopted young people feel that the legality of adoption ties them to their adoptive family in a solid and reassuring way.

Words such as protection and belonging were common among most people's stories.

> *"I think me knowing I'm fully adopted ... my mum, is my legal guardian, it gives me a lot of reassurance. It makes me feel protected ... That legal binding of adoption is really special. I think it's really sacred. And you know, I think every kid growing up like deserves that feeling of that." – Adopted young person*

Open adoption often means birth family and whānau remain part of adopted young people's lives

Because our adopted interviewees were all born after the Adult Adoption Information Act came into being, and into a more culturally and socially enlightened era to the one that older adults were adopted into, they mostly experienced what has been described as open adoption.

However, there are echoes of the closed, 'clean break' adoptions of earlier times, with significant gaps in knowledge and information for some.

In all circumstances, our adopted young people:

- knew they were adopted growing up
- knew of, or had met their birth family
- had access to some information about the circumstances of their adoption.

Despite the legal severing of ties that still happens through the adoption laws, most of our interviewees have had some form of contact with their birth parents growing up; more often this is with their birth mothers. Informal arrangements for these relationships to continue tended to be made in consultation between their adoptive parents, themselves and the (known) birth parents and family. These arrangements didn't tend to be monitored or supervised by outside parties.

For some, these connections happened when they were children and have not been retained into adulthood, due to disinterest, or in one case, the passing of the known birth parent. For others new connections have been made and are still being made with their birth family in adulthood. One participant had a good relationship with her birth mother, who was unable to care for her due to mental health reasons but wanted to remain her 'mother' in some form – she passed away when her daughter was a teenager:

> *"I kept in contact with my birth mum...always we would go see my birth mum for like Christmas and birthdays, and all sorts of things. And I think that was really good for my birth mum to have a relationship with me…We have my normal birthday, the day I was born, and then me and mum have my 'adoption day' and that's like our little birthday." – Adopted young person*

As adults, some of our participants spoke about having created closer connections to members of their wider birth family, than with their birth parents. One interviewee has recently developed strong relationships with her father's sisters, who she describes as "cookie cutters" of herself. She has found

that she has more in common with them than any members of her adoptive family and these relationships have "settled" her.

> *"This highlights the big impact that adoption can have on young people – that loss of identity, insecurity of not fitting in. If you've got a good whānau that can be a really positive experience, but if not, it can be really unsettling and negative for young people."* – Adopted young person

Most of the adopted young people we spoke to have experienced challenges

Those with Māori whakapapa adopted into non-Māori families face unique challenges

All the adopted young people we interviewed were adopted into either Pākehā or European families. From their knowledge, they all have at least one Pākehā/European birth parent but over half also have a birth parent that has Māori or Cook Island Māori heritage.

Loss of identity through loss of whakapapa and lack of cultural connections.

New Zealand has undergone a huge cultural shift since our young people were adopted, between 1990 and early 2000s. None of our participant's adoptive families had any cultural guidance or resources to support them at the point of adoption or beyond. As one interviewee's mother commented; "it didn't used to be talked about then".

Our Adopted young people and young people with Māori (or Cook Island Māori) whakapapa expressed an awareness that they grew up with a Pākehā world-view. They all mentioned, at some point in our interview, that they felt they "looked Pākehā" or "white". Many referenced a lack of exposure to Māori people and culture growing up. Some feel that it was left up to them (the adopted child) to pursue this cultural inheritance, but as a child and teenager, without proper guidance and encouragement, they didn't know where to start. Most feel that support for this would have been hugely beneficial.

> *"It would be good for people to be able to discover their identity…I never fully connected with my Māori culture until two years ago. Maybe just connecting with other Māori people. I grew up in a Pākehā neighbourhood, went to a Pākehā school, had Pākehā friends. I didn't get that until I went to high school."* – Adopted young person

One adopted young person's experience illustrates some of the challenges of missing out on this cultural knowledge. She has never met her birth parent from whom she has inherited her Cook Island Māori heritage, and says she has "some curiosity" about her Cook Island Māori culture, but also didn't feel "allowed to claim" this culture because she appears Pākehā and grew up in a Pākehā household.

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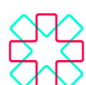

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Connecting to their birth culture was not a priority for everyone we interviewed

As with all of our themes, our adopted participants with Māori whakapapa provide a diverse array of perspectives on cultural identity.

These findings should be viewed with the understanding that our participants were not been given the opportunity to connect with this part of their culture in a meaningful way. One participant with Māori whakapapa thinks she would prefer to have grown up with Māori adopted parents to have obtained this cultural connection through immersion. Others had more of a desire for access and exposure to their Māori side. One interviewee with a Māori birth parent illustrates the benefit of being given the knowledge of one's family history, regardless of whether you choose to engage further with it or not:

> *"I don't really see why they put so much emphasis on race and keeping them in their cultures. I understand that culture is extremely important, and I am proud of my granddad – he carved a lot of our marae – but in the same instance, I don't think that it would have done me any better if immersed in [Māori culture] because so long as you have love and consistency and boundaries … then I think that's probably the most important thing." – Adopted young person*

A similar perspective was also held by another adopted young person, of European heritage. She works with care-experienced young people and spoke about her profession's "obsession with keeping kids attached" to their birth whānau and culture. As an adopted child, she experienced questions around her birth family and culture, which she says wouldn't have occurred to her, if people didn't constantly bring them up. She appreciates having the access to knowledge of her birth country and culture and is happy to leave it at that.

> *"I get really, really tired of people telling children and adults, you must want to, or you have to connect with your biological family. Because actually, no you don't. You don't have to, if you don't want to. And if that's important, and you feel like something is missing, or that you have answers that you need answered and fulfilled, f***ing go for gold. But do not tell people from my perspective, that you need to do this to be whole, or you need to do this to make sense of it. Because that's actually not fair, or true. Because then I felt anxiety because I didn't feel anything – when I went to [country of birth], I was like, 'Oh, my God, should I feel all these things?'" – Adopted young person*

The separation of biological siblings can be traumatic

Some of our interviewees were the only child adopted from their birth family.

In some cases, this was due to the parent being too young to care for them at the time of their birth but able to have another child years later when her circumstances were different. In other cases, our young people were removed at birth by authorities for safety reasons, but later siblings remained with the birth parent. Our participants described the following sibling arrangements, in order of commonality:

- Biological half or full siblings who still lived with biological parent (the situation for half of our participants).
- Known biological siblings adopted into other families.
- Biological siblings adopted alongside young person.

Those who retained connections with their birth families were impacted by their biological siblings who remained. One young person, whose biological brother spent time in a foster home before being returned to his birth parents felt that her brother didn't get the support he needed – "he was so angry with me". Another adopted young person, whose sister has had problems due to her upbringing with her birth family, has had to bear the guilt of this sister saying, "on numerous occasions … 'you're so lucky'".

> *"I live with guilt that I was adopted, and my other siblings weren't. That's really hard for me. And I never understood why I deserved it, and they didn't." – Adopted young person*

Adoption can have an emotional and psychological toll

All of our participants talked at some point about the challenging and complex psychological effects that being adopted had on their mental health.

These difficulties changed over time, at various points in their childhood and teenage years (as would be expected) and multiple participants identified that they expect to come up against further triggers in the future, particularly if or when they have their own children. Two responses commonly described by participants relate to fear of rejection and abandonment, and compliance.[18]

> *"Adoption has affected me on such a cellular, emotional and psychological level." – Adopted young person*

[18] In the book The Primal Wound: Understanding the adopted child by Nancy Verrier, the author argues that, regardless of the quality of the adoptive relationship, separation from the birth mother will have lifelong effects on a person. Verrier, a mother of an adop ive child herself, describes two opposite responses that children tend to have to their adoption: 1) fear of rejection and abandonment, sometimes manifes ing in rebellion, or 2) compliance, and trying to be he perfect child, so as to not be 'given away' again (1993).

Table 5: Emotional and psychological challenges faced by adopted young people

Fear of rejection and abandonment	Compliance behaviours due to fear of being 'given away'
Research has shown that fear of rejection and abandonment associated with adoption can sometimes manifest in rebellion and emotional distancing.[19]	Research has shown that compliance can sometimes manifest in perfection behaviours, as children seek to ensure they remain 'wanted' by their adoptive family
"There's other repercussions that happen once you have been adopted … when you are given away at birth, the baby knows that, basically, it's been abandoned. Obviously, when we're older, we can justify those things and we can go back and be like 'it was best for me'. But as a baby, because they bonded with the mother and were in the stomach for that long, and then suddenly they've subconsciously … there's a certain amount of abandonment … that shows itself later on in life. So maybe … relationships that you desperately try and hold on to, that might not be beneficial for you because you don't want to be abandoned again … it [counselling] really helped me move forward and understand my behavioural patterns and how I put up walls in order to protect myself because you don't want to feel that hurt again". – Adopted young person	*"I need to make sure that people love me enough to keep me. I need to be a perfectionist and make sure that that never happens again. I was … the A plus, the honour student, the girl who never made a mistake, who couldn't handle disappointment, who felt so much pressure to do and to be someone that someone wouldn't give away. … when I look back at this now, it's that thing where you know, adults say to you, 'you made us feel so lucky that that's happened' … And then you kind of create that as a kid in your own mind about what that means. And you don't really know what that means until you kind of map that out later when you're older … my parents never, in a million years would have thought that I would have taken that and felt like, 'oh, my gosh, what if they loved me and gave me away that that means that everybody else will too, and I can't have that happen.'" – Adopted young person*

Informal relationships with birth families bring their own challenges

Adopted young people we spoke to often had knowledge of one or both of their birth parents, but the quality of their relationships with them vary.

Some of those who did have contact growing up explained that it was not always positive. One young person experienced abuse during visits with her birth family, while another found that the visits disrupted her relationship with her adoptive family.

In both cases, the experience highlights the impacts for adopted young people and their families as they navigate the complex relational spaces associated with adoption.

> *"I also didn't want to stop [her] from seeing her birth family. It's a no-win situation. If she hadn't had that opportunity, it would have been 'what if' for her. But it wasn't good. What you can't ever know is if access is good and [she] wouldn't tell me about what happened during her access because she felt that she had to protect her birth parents. She didn't tell me until she was about 18 what was happening. And it was really bad. Abuse." – Guardian of young person*

One participant explained that she was grateful to have had the option to know her birth parents and to also have had the choice not to pursue a relationship with them. Another enjoyed staying with her birth mother and visiting her siblings as a teenager, but in retrospect can see that it wasn't a healthy environment for her. She believed she was fortunate to have lived so far away from them, making the access more difficult:

[19] Ibid.

"I used to struggle with that because I'd go home, and it'd be completely different. I'd look at how my birth mum, what she'd let her children get away with and how their family lived and it would cause a lot of problems in our household because obviously I'd kick back and be like, 'Well, you know, you're not my real mum … why can't I have my life like that?'...Because at the time, as a child, you'd glorify that side of it, and you don't really understand that potentially, that way might not be the best for you." – Adopted young person

Young people want full and complete access to their information, including whakapapa

When information is fully and freely accessible, young people feel empowered

One young person had full access to all of her documents from the adoption process and felt well-informed about all of the decision-making that went on.

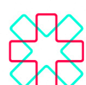
She had been encouraged by her parents to learn about her birth country, and eventually visited it as an adult, although she chose not to meet her birth parents:

"The narrative that I had about my adoption, in regards to mum and dad taking photos, creating the story, showing me court documents – I think that's really important to have for anyone that's adopted, because you may or may not ever want to look back on that. … but I was like, 'this is awesome! I get to read what the judge said, I get to read what the social worker said, I get to read what my birth parents said in court, I get to know all of that stuff [that] should be readily available to access for anyone who's in that space'. Because it does help you make sense of a story that you were part of … I just think having that readily available for anybody who is adopted is really important." – Adopted young person

When birth information is withheld by birth parents, or not available, it put the onus on the child to seek it out

Those that had significant gaps in their birth records and family history sometimes struggled to know where to start to learn more, and whether they had the right to find it.

If the gaps were cultural information, this could be due to the birth parent being unknown, or choosing not to continue a connection with them, for a variety of reasons. By currently not requiring birth or cultural information to be available for adopted people, the onus moves on to the adopted child to choose whether or not to begin the (sometimes arduous) process of seeking this out for themselves. One of the difficulties they face is that adopted people are more likely to experience themes of abandonment and rejection, so there is risk in putting themselves in a situation where they might contact a birth parent and receive a negative response. By putting more effort into gaining this information before adoption, we can mitigate this risk to some extent. The quote below is from an adopted young person who has never met one of her birth parents, and for reasons outlined above, has chosen not to pursue a relationship:



"Why choose to risk opening a can of worms, because it could go one way or another? And I'm sort of like stuck weighing up, 'Is it worth risking some possible rejection?' It could bring up really heavy emotions. That really, that's really nerve racking. So I choose to not go there." – Adopted young person

Young people may also want and need the health history of their birth parents. This becomes more relevant as they get older and may have unexplained mental and physical health issues. The lack of provision of a birth parent's and family's health information creates gaps in their self-knowledge, and continues to place the onus on the adopted person to somehow source this themselves:

"At each different stage, there's just so many, so many things that come up. The health stuff, that's really difficult. I think I probably found that the hardest because I'm not in great health. … I don't think you should have to stay in contact. But you should still have access to information." – Adopted young person

Some adopted young people wonder about whether birth parents should have the right to withhold information.

For two of the adopted young people whose birth fathers remained entirely elusive, he was their channel of connection to their indigenous heritage, and this absence largely shuts them off from half of their genealogical history. In one case, although the birth father wasn't ready for a relationship at first, his family did pursue this relationship, and some of them have became the adopted person's closest family members in her adulthood. Some adopted people will likely never know if their father knew of their existence and whether or not this knowledge would have meant access to another group of family members, previously unknown.

"I think that you need to have a social worker who's making sure that you still have contact with your birth dad's side of the family. In my situation, what I would have loved is if I had a caseworker who was like 'Okay, well, you've been adopted, but like, you still have a grandma, who is in hospital, sick with a stroke … you have cousins, and you have aunts and uncles who are all good family members who live close … you still have to have the right to access that relationship." – Adopted young person

The right to participate in age-appropriate decision-making

Participation is desired by young people, but needs to be carefully considered

Most of the adopted young people we spoke to were adopted as babies, so weren't able to participate in many of the legally binding decisions that were made for them.

Many suggested that having someone to monitor their rights (in an appropriate, child-centred way) as they got older would have been beneficial for them, to ensure that they were able to revisit decisions that affected them.

s9(2)(a)

s9(2)(a)

One young person was adopted at an age where she felt she was offered the chance to participate in the decision making in an inappropriate way. For situations similar to hers, where one is adopted as a child rather than a baby, she suggests that participation is sought in a thorough and official capacity, such as with a social worker, psychologist or lawyer:

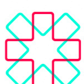
> *"I think there should be an age in which children can be asked, but also really stringent psychological support for that, because … ethically, children can't make decisions. My mum always … said, 'well I asked you if you wanted him to be your new daddy, and you said, yes'. But she asked me when I was four,* s9(2)(a) *But I think if there was a process, where you have to take your child in for evaluation, then people who are trained in child psychology can talk to them … If you want to adopt a newborn, you have to go through this whole screening process … but when you're a stepparent ... you get a free access to children." – Adopted young person*

Many young people feel that their needs and rights, as well as the rights of their birth mother, were considered at the point of their adoption

Some young people saw rights as being equally considered for their birth mother, adoptive parents and themselves.

One adopted young person felt that she was the centre of all decisions made and that was how it should be. She said, "I actually feel like, the entire time it was about me, it is about me, it's the 'me show'."

In both s9(2)(a) stories, they talk about experiencing an equal consideration of rights which worked for all parties involved.



The rights of birth fathers and wider whānau members should also be considered

More effort could be put in to engage birth fathers and their whānau

Birth fathers were often the missing cultural link for our young people and could benefit from more support in the early stages.

Over half of our young people adopted domestically had no connection to their birth father (compared to almost all of them knowing their birth mother). This was because their birth fathers were either:

- unknown
- not interested in retaining a connection, or
- mentally unwell.

One young person said her father knew about her existence when she born, but hadn't told his family, who were not given the opportunity to participate in any decision-making, nor offer an alternative to her out-of-family adoption:

> *"He was young and probably scared at the time and so he hadn't really told my other family, like his parents. So then my birth mum knocked on his door when I was like five with the picture of me and said, 'Here's a picture of your kid. I gave her away when she was born'... so they've been quite upset about the whole thing, because they didn't really get an opportunity to put their hand up … my dad's mother had said … she would have had a completely different fight on her hands if they had have known." – Adoptive young person*

Another interviewee spoke about a birth father who had mental health difficulties and who entirely disconnected from her after her adoption. She has wondered if "maybe that extra effort wasn't made to include him and the family", and suggested that, given more effort, someone else in the family could have represented him.

Wider family members, including siblings, are also impacted by adoption

The impact of adoption on other family members was brought up by some interviewees. One young person, who was separated from her birth father's family by her mother and adoptive stepfather, talked about not being able to have contact with her cousins despite living in the same town as them, s9(2)(a)

> *"We both were really hurt and like we went for a walk together and we just talked about how much grief we felt over not being allowed to have that relationship because we adored one another." – Adopted young person*

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Many adopted people also spoke about the effect on their wider whānau, who were shut out of the adoptive process, and could have provided support, a connection to their whakapapa or family, and heath and cultural information for the child; there is also the chance they could have provided a home for them, or whāngai arrangement.

This participant talked about the impact on her sibling in particular, who had difficulty coming to terms with her adoption:

> *"I think they need to be looking at other family members, how things can change for all parties when a person's adopted. Looking back, they weren't looking at how my brother would be affected. Every family member in that household, in both my birth and adoptive families, their partners, siblings, etc were affected. My older adoptive brother only started to speak to me 2 years ago. He felt so angry that my adoption was making my parents fight…They should spend time interviewing individual people – it affects everyone, you need to look at the bigger picture." – Adopted young person*

Adoption should not legally erase birth families

Many young people we spoke to felt that the legal erasure of their birth families was unnecessary.

Many of them had continued relationships with some members of their birth family regardless, with support from their adoptive parents. Wanting the right to a legal relationship did not necessarily mean that the young person therefore chose to have that relationship, and a number of young people said that contact with birth families should only occur if it is emotionally and physically safe to do so. One young person who had experienced multiple different care situations felt that adoption as a legal severing of one family by another should only happen in the most extreme of situations, such as a child being orphaned with no known family members:

> *"I think [legal adoption] would sit at the far end of that spectrum where the new foster/adoptive parents get full legal rights, but the legal relationship with any other parents that are known should not be severed. I guess the thing I really object to is the extinguishing of any legal relationship with biological parents, I don't see much benefit of doing that, but I do see the benefit of creating new legal relationships with the new parents." – Young person*

Better and ongoing access to support and resources is needed

Oversight and guidance post-adoption is needed

Adopted people are more likely to experience mental health, emotional and psychiatric disorders than non-adopted people[20]

At present, once the legal process of adoption has been completed, there is no requirement for the state to remain involved with the adopted child. In that sense, the clean break continues, but as a separation from state oversight. One adopted young person, who participated in a youth forum alongside young people who had been through foster placements, was shocked by how much therapeutic and cultural support they had been offered growing up, when, as an adopted person, she had never been offered any. All of our interviewees talked about adoption-specific challenges that they faced growing up, with which there was no obvious place to access guidance. One young person summed up their belief that adopted people shouldn't be seen as settled once the adoption has been completed:

> *"I have a massive problem with that assumption that when a child is moved to a different family, whether that's adoption, or 'home for life' or whatever, the state can just leave because they don't intervene in families that are 'natural families' … people who have been through that kind of trauma, young people, really need support and their families are dealing with a situation that's much, much more complex and difficult, then most kind of natural, biological nuclear families that you might be talking about. …I think that even if someone is adopted, and you kind of have that legal transfer of rights and saying that it's as if that were part of that family all the time, I still think that should have the exact same support that you would be giving to a foster family that's only taken care of the child for quite a short time." – Young person*

Another person, who was adopted by her stepfather and therefore still grew up with her birth mother, also felt that oversight should apply to all care situations where there was a non-kin father figure, due to the risks of abuse in those arrangements. There is some evidence for her assertion of an increased risk of abuse from stepfathers[21]. She felt she would have benefited from a case worker, such as a social worker or psychologist, checking in.

> *"In an ideal world … all children who are not living with their birth parents would have some sort of outside of the house regulator who can make sure that they are all good and that things are normal at home." – Adopted young person*

[20] Emma E.M. Knowles, "Strengths and Limita ions of Harnessing Big Data to Understand the Genetics of Adoption and Mental Health", *Biological Psychiatry*, Volume 87, Issue 8, 2020, 21-22.

[21] Debowska, Agata, George Hales, and Daniel Boduszek. "Violence against children by stepparents." *Sage handbook of domestic violence*. (London: Sage Publishing, 2020).

Therapeutic support is often needed, but access to appropriate help was difficult and expensive

Adopted children have unique needs that are not addressed in a mainstream system.

None of our adopted young people were aware of any resources or support being offered to their families after the adoption was finalised.

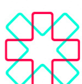
> *"You really have to drive that support yourself. And you … have to have the tools to really do that on your own … I think that that's really sad, because lots of people don't have those tools. And lots of people don't even think about creating those tools for themselves." – Adopted young person*

Half of our interviewees talked about having accessed therapy to help them process some of the emotional strain in their lives. However, at present, adopted people have no entitlement to specialised counselling despite the probability that they may experience some emotional and psychological distress due to being adopted – they are essentially treated like any child brought up in their birth family.

Our subjects also spoke about the changing nature of their feelings towards adoption as they matured. Although none of our interviewees have their own children, some signalled that they are thinking about becoming parents in the future. Some of them have considered the avenue of adoption or fostering and mentioned that they suspected this would bring up new feelings. The Accident Compensation Corporation (ACC) Sensitive Claims process (free counselling for victims of sexual violence or a physical injury in Aotearoa) was twice referred to, as a style of system that provided a life-long access to support that could be triggered when needed.

One young person accessed her own therapy after a break-up from an abusive relationship and was surprised to find that the areas which needed support "ended up being linked back to the adoption stuff". Another referenced experiencing a huge range of emotions that only started to be processed when she had therapy with a counsellor who specialised in working with adopted people.

> *"Adoption does open this wormhole of emotions that is really hard to process. And I see it in [a fellow adopted friend]; the struggle to really come to terms with what you're feeling. And you love your parents that have adopted you. But you might hate them for adopting and all of those things. I think that you do need therapy for that and I think that that should be given to you because you didn't choose to be adopted." – Adopted young person*



Final thoughts on the intention of the adoption law reforms

A reformed adoption system is seen by adopted young people as a viable option to give children better lives

The array of experiences we heard covered many of the benefits and challenges that adoption-experienced young people have.

This spectrum of perspectives is also illustrated by their views regarding the future of adoption. Adopted young people saw adoption as an option that should be available in some form or another, but they had very different perspectives on what form this should take and in what circumstances it was appropriate, as well as a variety of views on the nature of guardianship, support and assistance.

One participant felt that adoption or long-term guardianship should be more frequently used, particularly for children in the foster system. A number of participants would like the option to adopt a child themselves, in the future; some perceived adoption as an expensive, difficult process and wanted to see it become a more accessible pathway than it is presently.

> *"Because I know that I wouldn't be the person today if I had not been adopted out of my situation. It didn't come without its struggles, but I'm much better off for having had that … I genuinely just feel that the only thing that really needs to change is that they need to make it that it's actually achievable to give these kids homes and stop putting so much red tape through it." – Adopted young person*

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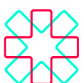

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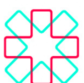

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EXPERIENCES WITH SAMOAN ADOPTIONS RECOGNISED IN NEW ZEALAND

There are a significant number of Samoan adoptions recognised in New Zealand every year

Samoan adoptions which are recognised in New Zealand are a key focus of this research, because there are a large number of these adoptions every year.

This section reflects insights from twelve individual interviews and one talanoa (focus group), with Samoan leaders, adopted people, adoptive parents and professional support people. Due to Covid-19 related disruptions, three further talanoa were conducted after the report was produced. Insights from these talanoa can be viewed in Appendix 4.

Vaetamaina and adoption are similar, but not equivalent

Adoption, in a legal sense, was an unknown concept in Samoa prior to Western influence.

In Samoan, there is no direct customary equivalent to adoption, or any practice which involves severing blood relationships. The Samoan term for a child not raised by the biological parents is 'tama fai', which translates to 'child made'; the closest practice to adoption is 'vaetama' or more commonly, 'vaetamaina', which refers to 'separating the child'.

Vaetamaina is a common practice governed solely by customary law. Vaetamaina is underpinned by cultural constructs and differs considerably from the prevailing nuclear family arrangements that legal adoption law outlines in many parts of the Western world[22]

Traditionally, vaetamaina was used as part of a ceremonial exchange, to lay claim to a higher noble title, usually in the event of the family's inability to produce heirs[23] or as a cultural practice where the oldest grandchild was given to the grandparents to raise. Nowadays, vaetamaina may refer to the gifting of a child to couples within the aiga (family) who cannot bear children, or to an unmarried sister or brother. It also takes place when one or both birth parents have a large number of children, and they may wish to share these with a relative who has few children, or none[24].

These days, Samoa oversees domestic adoptions under the Infant Ordinance Act, which is based on New Zealand's Adoption Act 1955. If an applicant is a Samoan citizen living in New Zealand, they can apply for a domestic adoption under the Samoan family court, and then have it recognised by the New

22 T. L. M. Seumanutafa, & J. Corrin, "Plural Procedures for Adop ion and 'Vae Tama' in Samoa" in *The Plural Practice of Adoption in Pacific Island States*. (Springer, 2019),87-106.

23 Ibid.

24 Ibid.

Zealand family court under Section 17 of the Adoption Act 1955. These are the nature of the adoptions that we refer to in this section as Samoan adoptions recognised in New Zealand, or simply Samoan adoptions. It should be noted that some participants use the terms vaetamaina and adoption interchangeably, but the distinction between vaetamaina and Samoan adoption, which is recognised in New Zealand, will be noted where appropriate throughout this section.

> *"The individual purpose (of adoption) is based on Western (approach) whereas a Samoan focus (of adoption) is based on village...village to raise a child." – Samoan Leader*

The main drivers of Samoan adoptions recognised in New Zealand relate to cultural values, access to opportunities and family circumstances

Samoan cultural values and beliefs underpin and reinforce the nature of adoption arrangements, and are often the driver for the decision to undertake adoption

The majority of vaetamaina and Samoan adoptions recognised in New Zealand appear to be driven by Samoan cultural values and concepts. The key values and beliefs that interact with Samoan adoptions are listed in Table 2.

> *"At a mature age, I learned that the purpose of my adoption was twofold; I was gifted to my adopted parents as a covenant child, which meant that I was bridging two families for either peace-making reasons or the uniting of two prominent families, and through family covenant, aiga feagaiga … my own understanding is it is to strengthen all members of the whole aiga and to keep them connected and to care for each other." – Adopted person*

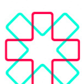


Table 6: Samoan cultural values and concepts and how they relate to Samoan adoptions which are recognised in New Zealand

Samoan Cultural Value / Concept	Description	Relationship to Samoan adoptions recognised in New Zealand	Quotes
Aoga ma galuega mo le lumanai Education and employment for a better future	Aoga – education/schooling galuega – employment/work in relation to lumanai – better future In Samoan communities, education has always been placed in high regard, for both the gathering of knowledge and for the process of enlightenment and cognitive development. The opportunity to gain a good education which leads to finding good employment is very important for many Samoans.	The migration of Samoans to Aotearoa New Zealand has been tied to this important cultural concept and is one of the main purposes and intentions of adoptions of children/young people from Samoa to Aotearoa New Zealand. Through the gaining of education and employment opportunities, Samoans are able to contribute and support their families financially. For Samoa, this helps to build up the village and wider community through economic development and stimulus.	*"The [adoptees'] role involved their agreement to migrate to New Zealand for their education and to support their dad and family back home also. The positive experiences for myself are that they completed their education in New Zealand and are now both supporting their dad and aiga back in Samoa." Adoptive Parent*
Alofa mo aiga Love for family	Alofa mo aiga – love for family- is a key concept and cultural value that is central to Fa'a Samoa (Samoan Culture – the Samoan way).	This concept is the most fundamental reason behind many of the adoptions of Samoan people. Adoptions based on alofa mo aiga describe a child or young person being gifted by their biological parents (in most cases) to members of the wider aiga out of love.	*"The main drivers involved from my adoption experiences was mainly the love of my grandfather and the protection of my aiga measina for the economic development for the aiga both in New Zealand and especially Samoa."- Adoptee* *"Vaetama also means alofa, or osi aiga, another way of keeping aiga alive and prosperous." Samoan Leader*
Osi aiga To take care of family	The cultural concept of osi aiga is another key aspect of Fa'a Samoa and underpins familial obligations and respons bilities that all Samoans have.	In relation to adoptions, the term osi refers to the gift of a child to bind the aiga. Osi Aiga also refers to the obligation and responsibility of taking care of family and to a reciprocal expectation and process undertaken by all parties involved in the adoption process.	*"My experience of adoption was based about 'osi aiga ma aoga ma le lumanai o fanau' or take care of family and support for educational opportunities for the future benefit of the adoptive child" Adoptive parent* *"The benefits of migrating for the purposes of Osi aiga ma aoga were to my knowledge unlimited, and my nieces (adoptees) agreed it will provide for them and their whole aiga." - Adoptive Parent*

Samoan Cultural Value / Concept	Description	Relationship to Samoan adoptions recognised in New Zealand	Quotes
Tautua aiga Service for family	Tautua is a commonly known cultural value within Fa'a Samoa culture that refers to the notion of service and the cultural practice of serving the family. Tautua is an important aspect of what it means to be a Samoan and underpins different expectations, obligations, roles and responsibilities in Fa'a Samoa. Tautua is not bounded by the positions, titles or age and it is an expectation of all Samoans regardless of who they are. There is a common Samoan proverb 'o le ala i le pule o le tautua' meaning 'the pathway to leadership is through service'. Tautua can been practiced through the act of serving, contributions (either monetary or material) to family gatherings, work or labour and taking care of parents, grandparents and children.	Tautua aiga in relation to adoption refers to the act of service that is undertaken by the biological parents and the adoptive parents (most often wider family members). It also refers to the act of service that the young person is practicing by undertaking the process of adoption as well as the understanding that they too will be expected to be of service to their respective families.	*"The main purpose of the adoptions I have been involved in highlighted the cultural value of "Tautua" for the aiga in New Zealand and Samoa. It seemed the "Tautua" is evident of loyal services to support families and relatives to be adopted for a better future, and that they will eventually return to their Aiga to also "Tautua". - Samoan Leader* *"From my professional experiences with adoption, children's rights are crucial and embedded back to the Faasamoa principle and value of "Alofa and Tautua" from their families in New Zealand and Samoa." - Samoan Leader*
Feagaiga Sacred relationship between brother and sister	A fundamental cultural aspect of Fa'a Samoa is the notion of Feagaiga meaning: covenant, sacred relationships or an established relationship. Feagaiga is more commonly known as an established and traditional sacred relationship between a Samoan brother and sister. A Samoan sister can also be referred to as Feagaiga. The traditional Samoan proverb, 'o le ioimata o le tuagane lona tuafafine' or 'a sister is the apple (pupil) or her brother's eye' speaks to the heart behind this concept of Feagaiga between a brother and sister. This sacred relationship empowers the brother to serve, honour and protect his sister, who is the representative of her aiga's mana (sacred life force and energy) at all costs and to the extent that it could cost him his life.	Feagaiga in relationship to adoptions refers to the bond that enables the gifting of a brother's child/young person to his sister to raise as her own child and vice versa.	*"At a mature age, I learned that the purpose of my adoption (according to my adopted relatives) was twofold; I was gifted to my adopted parents as a Covenant Child (which meant that I was bridging two families for either peace making reason or the uniting of two prominent families), and through Family Covenant (Aiga Feagaiga). E taua tele lenei tu i le aganuu a Samoa. – This is a Samoan valued cultural practice. My own understanding of this cultural concept is to strengthen all members of the whole aiga and to keep them connected and care for one another". (Samoan adopted person)*

Samoan Cultural Value / Concept	Description	Relationship to Samoan adoptions recognised in New Zealand	Quotes
Va fealoalo'ai Safe relational space	Va fealoalo'ai refers to the safe relational space and boundaries between people,. This is important because it serves to protect the family while at the same time forms and maintains appropriate parameters with people outside of the family construct.	In relation to adoptions Va fealoalo'ai refers to the safe relational space as well as boundaries that exist between all parties involved. Therefore, when applied appropriately, the important cultural concept of Va fealoalo'ai helps to maintain respectful relationships and safe spaces for the biological parents, adoptive parents and also the child/young person. If the Va Fealoalo'ai is not honoured and maintained then there are consequences that occur to the offender and the violated Va fealoalo'ai must ask for forgiveness and repay their offences	*"They (birth parents) have trusted us as their relatives and church ministers within '...va fealoaloai' with their children's rights and safety - they (birth parents) have made the relevant sacrifices knowing we (adoptive parents) will keep them (adoptees) connected and revisit the children's views in regard to their biological families." (Adoptive Parent)*
Sa'ili malo To search for prosperity	Sa'ili meaning to search and Malo meaning to win or to prosper, refers to the Samoan cultural concept and attitude of seeking and searching for prosperity or a better life. It also refers to a collective pursuit of triumph which demonstrates aspects of the Samoan spirit. As captured in the common Samoan saying of 'ma fa'ailo o le agaga Sa'ili Malo o Samoa' or 'to make known the spirit of triumph of Samoa'	Adoption of children/young people from Samoa to Aotearoa New Zealand enables them to search for a prosperous life and future. Adoptions can be reinforced by the cultural concept of Sa'ili malo because it helps to provide purpose, pride and also strengthen the Samoan spirit especially for those who move aboard.	*"Saili malo mo aiga ma fanau (to search for prosperity and a better future for family and children)"* *"If they had some support with finding education or employments pathways then that would help them to be more contributing to their aiga and the society – or maybe there should be a process in Samoa where they ask them what are their intentions or what is their plan when they arrive in NZ" - Samoan Leader*
Fa'aola le aganuu To keep Culture alive	Fa'aola le aganuu refers to the process of keeping the Samoan culture alive and thriving.	Traditionally, vaetamaina was used as a practice where the eldest grandchild will be culturally gifted to their grandparents to be raised. The eldest grandchild will then learn the measina or treasures of Fa'a Samoa culture (e.g., family genealogy, language and specific cultural practices) with the hope and expectation that they will ensure that it is able to live on for future generations. The concept of Fa'aola le aganuu was important, for the participants we spoke to, in the adoption process. They saw culture as directly related but not limited to identity, wel being and prosperity for the future.	*"E taua tele lenei tu i le aganuu a Samoa or this (vaetamaina) is a Samoan value and cultural practice". My own understanding of this (vaetamaina) cultural concept is to strengthen all members of the whole aiga and to keep them connected and care for one another." (Adoptee)*

In any individual experience, more than one of these values is likely to be influential on both the decision and process of the adoption.

Many of the cultural values and concepts also apply to vaetamaina situations.

Samoan adoption, which is recognised in New Zealand, enables access to opportunities including education and employment

The move from subsistence living in Samoa towards a cash economy has influenced another more practical impetus for intercountry adoptions, as children and young people are given to relatives living in New Zealand to gain access to educational and employment opportunities here. It was identified by Samoan leaders and adoptee-experienced people that the opportunities to engage in meaningful education and employment are a strong driver for adoptions, but this is not usually a singular goal; the practical benefits are usually woven in with cultural values, such as the intention to strengthen familial relationships.

> *"E o mai e faaaoga i NZ (they come to go to school in NZ) to find job to send (financial remittances) back to parents in Samoa." – Samoan Leader*

As with all adoptions, family circumstances can be a driver

In some cases, the decision for a child to be adopted may be driven by an event or circumstance (rather than a cultural value). Over half of our interviewees identified family circumstances as a driver for their adoptions. These were:

- the death of a biological parent or parents

  > *"When my oldest son passed away from cancer, his partner...dropped off the three children with me as she could no longer take care of them." – Adoptive parent*

- the parent being unable to provide adequate or appropriate care for the child

  > *"My personal experiences with adoption were difficult ones because I did not want to let my boys leave me and their sister and younger brother. However, the situation between my husband and children's biological father, with his abuse which I reported to the authorities, resulted to his imprisonment and direct deportation back to Samoa." – Parent who adopted her children out, Samoan*

- childlessness of adoptive parents

  > *"My wife and I did not have children. During our trip to Samoa* s9(2)(a) *my brother in-law and his wife came to visit us. Conversations that night led to an adoption of their newly born son – it was due to … aiga willing to give." – Adoptive parent*

- an unplanned and unexpected pregnancy

In this case, interviewees emphasised that the customary practice of vaetamina, alongside these Samoan cultural values and concepts, would inform the nature of the adoption arrangements.

Samoan adoption practices reflect a collective perspective on rights

In Fa'a Samoa, children are viewed through a collective lens which may not completely align with the current adoption laws

The concept of the 'rights of the child', core to the Hague Convention, is viewed by Samoans through a collective framework, where what is best for the child is what their parents and aiga think is best and appropriate for them. The child is brought up trusting that the decisions made on their behalf will benefit them as well as their aiga and wider community.

> *'I am not an individual, because I share an inheritance with my family, my village and my nation. I belong to my family and my family belongs to me. I belong to my village and my village belongs to me'. (Tui Atea)*[25]

Adoption usually begins as a discussion between families that are related

Our participants told us that it is common for the biological parents and aiga to first meet with the potential adoptive parents to discuss the purpose, reasons, needs and possibilities of adoption.

This initial process can be driven by the birth parents as well as the potential adoptive parents, and the families are usually related. It is uncommon for a child to be adopted by non-kin.

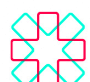
We heard that it was unusual for potential adoptive parents to begin the process of adopting a child or young person from Samoa without first meeting the birth parents and aiga. This aligns with the customary process of vaetamaina where the practice is often informal and there is no concern about issues with the child or young person's identity or safety.

Children's rights and participation are viewed through the collective framework

Participants generally believe that when a vaetamaina involves a child or young person who is at a capable level of understanding, their views would be taken into account, and they would be included at some point in the decision-making process. However, rights and preferences are viewed through a collective lens, with the understanding that what's best for the child is also what's best for the aiga and village, and adults will make the final decision.

> *"The children's views depending on age are considered through different circumstances. In my case there was an agreement between my biological family and adoption family. This was done when I was three months old in Samoa, in which I was too young to participate in the decision and it is a normal part of the Samoa aiga and culture practice. From my own experiences the Samoan children's rights are considered through collective consensus and for the protection and wellbeing of the children and aiga. I was grateful that my biological grandmother was connected to my childhood stage of my life and*

[25] Tamasese, K., C. Peteru and C. Waldegrave, *O le Taeao Afua The New Morning: A Qualitative Investigation into Samoan Perspectives on Mental Health and Culturally Appropriate Services*, New Zealand Health Research Council, (Wellington, 1997).



> *continue when I migrated to New Zealand with my own family and reconnected to both my biological and adoption aiga members again." – Adopted person*

A few interviewees felt that there should be more concerted effort to consider what's best for the child. One Samoan leader said, "children are expected to be seen and not heard – their rights are not considered". Another said:

> *"NZ has to protect these kids, help them have a voice, make sure that the families they are coming to are fit for purpose and have the means to support them appropriately." – Samoan Leader*

Birth parents in Samoa may not understand the implications of New Zealand adoption law when it comes to their rights

We were that it is likely that birth parents who participate in a Samoan adoption recognised in New Zealand, are sometimes unaware that their legal rights to participate in the child's life are erased.

Many of the adoptees we spoke to feel that maintaining connections with their birth families is important and usually assumed. Arrangements between members of aiga for a cross-country adoption are usually made without reference to legal process or written formalities, and it's likely that concepts such as rights may not be specifically considered or understood, for either the child or the participating parents.

> *"Many of the families in Samoa may not be aware that once the child is adopted, they lose all rights to their child." – Samoan Leader*

Samoan adoption recognised in New Zealand, provide benefits for adopted children, families, and wider communities, in both Samoa and in New Zealand

Adoption is successful when cultural concepts and beliefs are enabled

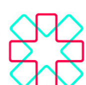
Within the Samoan communities we spoke to, many indicated a positive experience of Samoan adoptions recognised in New Zealand.

The customary practice of vaetamaina is by nature a transparent process that strengthens a child's identity and connection to their family. If these values are honoured within the adoption process, adoption experiences tend to be more positive and successful.

> *"I think that the current law should be preserved and still consider the Samoan customary law as important." – Samoan Leader*

Adopted children and young people can benefit from access to education and employment opportunities, and stronger ties with extended family

Growing up in New Zealand is seen to improve the overall health, development and wellbeing of the adoptee, adoptive parents, birth parents, wider family and also grow the economic development of both Samoa and New Zealand. Education and training opportunities are incentives for adoptees and



provide benefits for their families. Maintaining familial and cultural connections is also seen as both integral to and crucial for the ongoing success of the adoptee and their families; adoptive families feel an obligation to honour the original intentions of the adoption, and maintain and nurture relationships.

Many of the adoptive parents interviewed were themselves adopted by aiga and brought to New Zealand. Other immigration options, such as establishing themselves in a new country without family and cultural ties were viewed as isolating.

When cultural support and connection to birth families are not prioritised, adoptees can have negative experiences in New Zealand

Samoan leaders and other Samoan participants with experience of adoption identified ways in which adoptees can have a negative experience of adoption when they don't have the right support or connections.

These relate primarily to:

- Abuse
- Culture shock and isolation
- Identity issues and estrangement.

Some adoptees brought to New Zealand have experienced abuse and exploitation

Samoan Leaders and participants acknowledged that some adoptive arrangements could present risks for children and young people. Many interviewees spoke of hearing of, or being aware of, cases where an adopted person has been inappropriately controlled, treated like a servant of the family rather than a member of the family, and abused physically, sexually or emotionally.

> *"I think that there needs to be better supports and protection in place for the young people who are adopted from Samoa and brought to New Zealand. I think a monitoring system might help this. Through my church congregation, I remember I had a few of these young people run away from their adopted families because they were not having a safe experience. They would run to our house and my wife and I would look after them; we would also go and speak to their adoptive parents to try and see what was going on and offer any support." – Samoan leader*

Adapting to a new culture and system can be challenging and more preparation could be beneficial

Particularly for slightly older adopted young people, it can be a struggle to adapt and adjust to the New Zealand lifestyle and education system. These young people brought to New Zealand for educational or training opportunities can experience disconnection and 'culture shock'. Adoptees in this category spoke about missing their way of life back in Samoa, and the need for transitional support. s9(2)(a)

"I am not sure if some of the older teens who are brought here understand why they are coming here – they are coming here to help support their families back in Samoa and to saili malo (search for a prosperous future) but I have seen many of them just come and go on a benefit even though they are able to work. Maybe if they had some support with finding education or employments pathways then that would help them to be more contributing to their aiga and the society – or maybe there should be a process in Samoa where they ask them what are their intentions or what is their plan when they arrive in NZ." – Samoan Leader

Adoptees can experience identity issues and suffer estrangement from their biological family and culture, particularly when adoptions are not open

The adoption-experienced people who grew up without knowing who their birth parents were, spoke about identity issues and loss of familial and social ties.

For some of these adoptees, moving to another country to live with an extended aiga whom they had not met, and do not know well, was a traumatic experience. They did not all feel that they fit in with this new family.

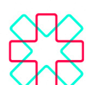
"When I first heard from an aunt, at a mature age, of my biological mother, I felt hurt and angry towards my adopted parents for not telling me. I wished I was told of this at an early age before my adopted parents passed away because I would have loved to know my biological family a lot better." Samoan Leader & Adopted person

Samoan communities are keen to ensure adoptions can continue, but with strengthened processes for protecting adoptees and helping them to thrive

Police checks and better vetting are supported

Currently, the Samoan courts do not seek independent information from New Zealand when making a domestic adoption decision, and where the adoption application involves dual New Zealand and Samoan residents. Most participants interviewed were supportive of better vetting and background checks for prospective adoptive parents and more safeguards for adopted children, to provide assurances that the child will be placed in a safe environment free from exploitation and abuse.

"I would really like to see more vetting of the adoptive parents as I have heard many horror stories – not all – but it might help to tighten up restrictions." – Samoan Leader

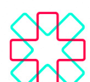


Samoan communities in New Zealand could provide oversight and guidance

Interviewees were supportive of post-adoption monitoring and ongoing support for both adoptees and adoptive parents. This monitoring could help to prevent and highlight concerns around abuse or harm to adoptees, but also give adoptees the opportunity to seek help if needed. There are leaders in the Samoan community already offering this support, albeit in an unofficial capacity.

> *"Sometimes when a good result between the adoptive family and the adopted young person could not be met then we ended up transitioning some of these young into independent and wider support services, ourselves. It was very sad to see these young people go through this and we were glad that they felt that they could come to us for help. I think that if we were not there then they would have continued to live in an unsafe environment." – Samoan leader*

One interviewee suggested a specialist service to help individuals to adjust and adapt to their new country, culture and lifestyle. Others talked about this information needing to be imparted before they leave Samoa, to prepare the adoptees in advance.



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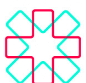

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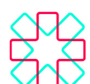

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APPENDIX 1: ANALYTICAL FRAMEWORK

The analytical framework is made up of four diagrams that detail the questions and sub-questions for the study overall (*master framework*), and for each of the target groups. It highlights focus areas for specific groups, areas of enquiry that are common across the groups and highlights the questions that were higher priority for this study. Priority questions were identified in collaboration with the Ministry of Justice, to ensure the study complemented other research and consultation underway.

The analytical framework provided a foundation for interview schedules, interview foci, information recording and analysis.

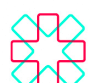

Figure 1: Master Framework

Q1: How could adoption law be changed to better reflect cultural concepts and practices of Maori and Samoan communities and to meet the needs of young people who are being adopted?

Q2: What are Maori and Samoan cultural concepts and practices of adoption?

Q6: How do cultural concepts impact adoption practices?

Q7: How do cultural concepts align to current and proposed law?

Q3: What are 'contemporary adoption practices'?

Q8: How do current practices align to intent of the current and proposed law?

Q9: What are the benefits of contemporary practices for people impacted (adopted young people, birth parents, adoptive parents, wider family/whanau) and wider NZ community and society?

Q10: What are the perceived risks and benefits of recognising whāngai arrangements in law?

Q11: How could whāngai be recognised in law? (eg who are the decision makers?)

Q12: What are the perceived risks and benefits of not recognising adoptions agreed in Samoan courts (or other proposed restrictions)?

Q4: What are societal needs and expectations regarding adoption law?

Q13: How well do societal needs and expectations align to the intent of current and proposed law?

Q5: How could the adoption process be improved to deliver better meet the needs of people involved in adoption?

Q14: What have been the positive and negative experiences of the adoption process for young people who have been adopted?

Q15: What are young people's needs from the adoption process?

Q16: How well does current and proposed law align to young people's needs?

Q17: What are the views of Maori, Samoan leaders and young people who have been adopted on the changes that are proposed?

Common questions – relevant to all target groups

Focus questions – relevant to one or two of the target groups or even to a subset of people within a target group

Priority questions for this study

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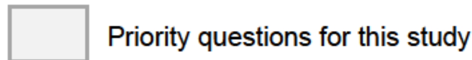
Figure 2: Kirirarau Māori areas of enquiry

- **M1** How could adoption law be changed to better meet treaty obligations, uphold tikanga and maintain the advantages of whāngai?
  - **M2** How do Māori believe the current law does and does not give effect to te Tiriti?
  - **M3** What are the drivers of adoption and whāngai for Māori?
    - **M7** How are drivers the same/different between users of the two systems?
  - **M4** How is whāngai similar and different to legal adoption conceptually and in practice?
    - **M8** What is the tikanga around whāngai?
      - **M9** How does tikanga vary across iwi/hapū?
    - **M10** What are the spectrum of practices of whāngai?
      - **M11** Which practices are common? Uncommon?
      - **M12** What are the drivers of different whāngai
    - **M13** How are children's views currently being considered in whāngai practices?
    - **M14** What do Māori understand to be the differences between whāngai and legal adoption under the current laws?
      - **M15** Conceptually
      - **M16** In practice
  - **M5** What are the advantages and disadvantages of whāngai relative to legalised state adoption under current law?
    - **M17** Why do some Māori choose whāngai instead of legal adoption and vice versa?
    - **M18** What have been the positive and negative lived experiences of whāngai and legal adoption for Māori?
      - **M19** How do experiences differ for users of whāngai and legal adoption?
  - **M6** What are the views of Māori on the (relevant) specific changes that are proposed?
    - **M20** Alignment of listed purposes to drivers of adoption / whāngai for Māori
    - **M21** Age of adoptees; Children's rights at the heart of the adoption process; Criteria and suitability of who can adopt; Participation of wider whānau in adoption processes; Roles of government and the court – what Māori bodies could have a role?; Consideration of culture; Intercountry adoptions as they relate to Māori; Timing, who and other issues around adoption consent; Adoption support services; Identity and adoption (inc Birth certificates); Open and closed adoption
    - **M22** Should there be changes to the way adoption law treats whāngai? Why? Why not? What changes? Legal effect of adoption and fit with whāngai practices
      - **M23** How could whāngai be recognised in law? (eg who are the decision makers?)
      - **M24** What would be the benefits and risks of whāngai being recognised in law?

Assumptions and scope

- Primary focus: Whāngai experiences and alignment to current and proposed law
- Secondary focus: views of Māori participants on other aspects of proposed reforms



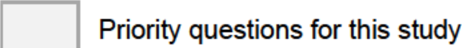
Priority questions for this study

Figure 3: Adopted Young People areas of enquiry

- How can adoption law and processes better meet the needs of adopted young people? YP1
  - What do young people think the **purpose** of adoption is / should be? YP2
    - How do their views align to the purposes set out in NZ adoption law (current and proposed)? YP6
    - To what extent do young people agree with the purposes listed? Why/why not? How would they change them? YP7
    - Should some purposes take priority over others? YP8
  - What are young people's positive and negative lived experiences of adoption processes? YP3
    - What opportunity did they have to 'participate' in the adoption process? YP9
      - How were their rights looked after? YP10
      - How were their interests considered? YP11
        - How was consideration given to changes in children's interests over their life time? YP12
      - How was information shared with them? YP13
      - How important was participation for you? Did you feel heard? Did you want more involvement / what else would have been beneficial? YP14
    - How were other aspects of the adoption process handled? YP15
      - Who else was involved? How was consent handled? How was culture considered? Identity and access to information? Support services? Role of government agencies and courts? YP16
    - How do young people's experiences of adoption processes align to the intentions of the law (current and proposed)? YP17
      - How do experiences vary for different types of adoption and adoption contexts? YP18
  - What are the impacts for young people of adoption practice that is carried out well / poorly? YP4
    - Safety, Identity, Wellbeing, Connection to culture YP19
    - Young people's feelings toward being adopted YP20
  - What are the views of adopted young people on the (relevant) specific changes that are proposed? YP5
    - What does 'child centred' adoption look like from a young persons perspective? YP21
    - Should there be changes to the way adoption law enables participation by the adopted person and protects their rights? YP22
    - Adoption support services – what was useful? What else would have been useful? When? YP23
    - Open and closed adoption – what have been the benefits and challenges of open and closed adoptions? YP24
    - Age of adoptees; Criteria and suitability of who can adopt; Participation of wider family in adoption processes; Recognition of customary adoptions; Roles of government and the court; Consideration of culture; Timing, who and other issues around adoption consent; Identity and adoption (inc Birth certificates) YP25

Assumptions and scope

- Target group is young people who have been adopted (not young people whose children have been adopted)



Priority questions for this study

Figure 4: Samoan communities areas of enquiry

- S1: How can NZ adoption law better relate to Samoan concepts and practices?
  - S2: What cultural concepts and beliefs underpin Samoan adoption practices?
    - S7: In general and specific to Samoa-NZ adoptions
    - S8: How do these concepts and beliefs align to the intentions of NZ adoption law (current as proposed)?
  - S3: What are the drivers of Samoan adoptions?
    - S9: In general and Specific to Samoa-NZ adoptions (inc immigration and education pathways)
    - S10: Why do some Samoans choose adoption over other immigration options?
    - S11: How do drivers align to the purposes set out in NZ adoption law (current as proposed)?
  - S4: What are the spectrum of practices of relevant Samoan adoptions? Eg age, fluidity, relationships between families, who is involved in decision
    - S12: NZ-Samoa and within-NZ Samoan community legal and customary adoptions
    - S13: Which practices are common? Uncommon?
    - S14: How are children's views currently being considered in Samoa-NZ adoption practices?
    - S15: What are the drivers of different practices?
  - S5: What are the perceived and actual advantages and disadvantages of Samoa-NZ intercountry adoption?
    - S16: For adoptee? For the birth family? For the wider community (in Samoa, in NZ)?
    - S17: What have been the positive and negative lived experiences of Samoa-NZ adoptions? For adoptee? For the birth family? For the wider community (in Samoa, in NZ)?
  - S6: What are the views of Samoan Leaders on the (relevant) specific changes that are proposed?
    - S18: Should there be changes to the way adoption law recognises overseas adoptions Why? Why not? What changes?
      - S19: What would be the impact of not recognising adoptions agreed in Samoan court?
      - S20: What would be the implications of the specific changes proposed for Samoan communities?
    - S21: Alignment of listed purposes to drivers of adoption for Samoans; Age of adoptees; Children's rights at the heart of the adoption process; Criteria and suitability of who can adopt; Participation of wider family in adoption processes; Recognition of customary adoptions; Roles of government and the court – what Samoan bodies could have a role?; Consideration of culture; Timing, who and other issues around adoption consent; Adoption support services; Identity and adoption (inc Birth certificates); Open and closed adoption

Assumptions and scope

- Primary focus: adoptions agreed in Samoan court that are then recognised in NZ
- Secondary focus: customary adoptions that happen within Samoan communities residing in NZ

Priority questions for this study

APPENDIX 2: ETHICAL CONSIDERATIONS

Our consultation aimed to enhance the mana of participants. We took person-centred and whānau-centred approaches and aimed to facilitate and manage consultation with individuals, groups and communities in a safe, sensitive and respectful manner.

Te Tiriti o Waitangi and the principles of whānaungatanga (partnership), manaakitanga (protection), kōtahitanga (participation) and whakapono (integrity) were embedded in our consultation and engagement.

Our engagement aligned with Ethics Committee considerations:

- We ensured privacy and confidentiality of the participants
- Participants were supported so their consent is informed
- All participation was voluntary
- We only published experience details with permission
- Our data handling protocols are sound
- Participants will be protected with access to support before, during and after consultation.

We used standardised and tailored approaches to ensure safety for participants.

Safety means different things in different contexts, and we have the experience and skills to ensure that the engagement and consultation was conducted in ways that were safe for each individual.

We ensured that everyone has an opportunity to understand the rationale for the conversations and their role in it. We guided people through the informed consent process in ways that match their needs.

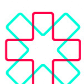
We were clear that people have the right to withdraw at any time. We also made sure participants were connected with relevant support services if needed.

We treated people's information as a taonga to be protected, and we ensure we hold our information securely.

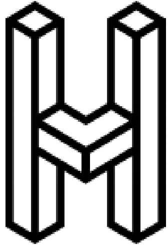
As we designed the two-way engagement with each group, we tailored our approach, participating in the individual's first language and observing appropriate customs or kawa.

We also took a common-sense approach, making sure we considered the make-up of each group, and the range of needs and any sensitivities. All our online engagement took into account good-practice recommendations.

All of our engagement ensured that the project genuinely delivered meaningful and responsive engagement with New Zealanders.



APPENDIX 3: YOUTH SOCIAL MEDIA CONSULTATION



Adoption Law Reform Engagement Report

12 OCTOBER 2021

We hosted a seven-day kōrero with The Hive's Instagram community about Adoption Law Reform. By focusing on inclusive themes like identity, belonging, nurturing and family, and sending clear signals to Māori, Pasifika and Rainbow young people that we wanted to hear their voices, we saw a wide range of responses, from a diverse range of rangatahi. **16%** of written responses came from rangatahi who identify as LBGTIQ+ and **23%** of written responses came from young people with experience of adoption, blended family, whānau, whāngai, chosen family, or queer family. **56** interactive Instagram Stories made it as easy as possible for young people to engage with a click or a comment. We have been blown away by the thoughtfulness of their responses, and the depth of the insights that have emerged.

What We Heard

Young people's 'family needs' don't disappear when they turn 20. They may be as practical as needing 'next of kin', or as emotional as wanting to identify as a son or daughter. Regardless, those needs are just as important after your 20th birthday as they were before it, and sometimes take on greater importance the older a young person becomes.

> "As an adult it would be nice to be adopted into a family, if I had a different chosen family by then."

> "You don't want every single person you come in contact with, even when you're over the age of 20, to know they're not your legal Mum, even if they are your Mum in all the other ways."

> "If I became part of a family as an adult I might want to be adopted. I'm still a daughter as an adult and it still means a lot to be one."

> "We still have next of kin needs over the age of 20 - medical decisions, etc - so that legal foundation is important even when you're over the age of 20."

In fact many of young people's most important adoption needs don't emerge until *after* they reach adulthood. There was sadness and frustration from young people who felt like they'd finally found their family, but were too old to have those ties legally recognised.

> "Sometimes you don't get that right person until you're a lot older, great parent roles can come into your life really late, and then it's too late."

> "It's about choosing your family, even as an adult. Those who were fostered might not have been able to be adopted before 20."

> "I would have loved to have the right to cancel my adoption, but when I was old enough to make that decision it was too late."

Young people want a seat at the decision-making table of their own lives, with choices about who *and* how. They recognise that those choices can place a huge burden on young people, and would need to be age-appropriate, but it was clear that young people want to feel like they've chosen their family, as much as their family has chosen them. In fact **91%** of respondents took it even further and told us they'd feel good about young people legally belonging to their chosen family.

> "I don't belong to a family because I am told. I belong because I choose."
>
> "Future me would want to have the right to a unique adoption process. I think at the start, an agreement should be made. Each person would be different."
>
> "If a young person is of a certain age, there should be really in-depth collaboration with that young person...even if they're younger...based on their current brain development and understanding."
>
> "All about choice...a choice in the process, some power in the process, not having something imposed on you. And in a really personal tailored way."

Young people want adoption laws that create more family bonds, not less. There was a sense from young people that current adoption laws reduce family ties, often in very Pākehā-centric ways, rather than widening those ties. **67%** of respondents told us they'd feel great about young people being able to legally belong to more than one family.

> "The whole one family thing is very Pākehā nuclear and ignores what familial relations hapū are."
>
> "I think it's important that people can choose their families. The western construct of one family is not the (norm)."
>
> "More than one family is the only option. It takes a village."

“I feel like people should not be forced to choose just one family to care for them.”

“That 'choosing' puts a lot of added pressure on a child - who they are and should be connecting with. There could be real guilt about hurting other people's feelings. Guilty about disconnecting from someone, connecting with someone else.”

“I'd feel great about people legally belonging to more than one family because I have grown up with three families. My dad is my family, my mum is my family, and my ex Step Dad is also.”

“Often with whāngai you are still connected to your bio parent/s and adoptive whānau is cousins.”

“Young people should have the right to stay connected to all of those who fulfill their needs.”

“Everyone in the whānau should be able to be involved if they want to be, and those wider legal connections (uncles, aunts, wider whānau) are important. The few people who hold exclusive parental rights shouldn't be able to lock out others who might want to play a role and stay connected.”

“It shouldn't just be about exclusive legal custody, it should be a wider idea of inclusive legal connection.”

For many young people the legal ties of adoption reinforce and amplify the emotional ones. **71%** of respondents told us that being legally accepted through something like adoption would make them feel more accepted.

“How validating it is, having the law recognise something that already exists.”

“There's a big difference between belonging to a chosen family and having that belonging recognised by law. So so validating.”

“It's not been enough to know she loves me, words are just words, but having that legal immovable recognition would be really healing.”

“Legal recognition can be powerful for adults, as it is for young people.”

Family is still a crucial source of acceptance, belonging and identity for young people, and it can be hard for them to find these crucial things in other places. Some felt that our current adoption laws force young people to cut ties with their sources of acceptance, belonging and identity, rather than protecting them. **89%** of respondents told us it's super important to have their family accept their religious, sexual or cultural identity and **88%** of respondents told us it's really important to feel like they belong in their family.

"A chosen family is a plaster, but it doesn't replicate that 'Mum hug' feeling"

"What DON'T good parents give you? Financial support, emotional support, practical support, advice, calling you out on stuff, celebrating you.If family is so important, and provides all these things, it's so sad that some young people don't have these things."

"If you as a young person have to create all this stuff for yourself, it's really really hard."

"I've lost a lot of family and feel disconnected to many members of my wider whānau, so feeling like I belong to my family is important."

"Family is an important safety net. If you know you are part of it, you can go with confidence."

"Family is my safe space, the space I can relax, cry, laugh with no judgement."

"I was raised that it's family over everything, and that no matter what I'd always have them."

"We have to make sure that adoption can provide these things, because otherwise you have children who grow into adults, without this stuff."

"This highlights the big impact that adoption can have on young people - that loss of identity, insecurity of not fitting in. If you've got a good whanau that can be a really positive experience, but if not that be really unsettling and negative for young people."

Thank You

To the team of brave young co-designers who worked with The Hive to design this engagement, and weave together what we heard into this report. Thank you for your honesty, imagination, and vulnerability. And thank you also to the team at **VOYCE Whakarongo Mai** who provided clinical feedback on all our Instagram content, and mental health support for our co-designers, we couldn't have done this mahi without you.

APPENDIX 4: INSIGHTS FROM ADDITIONAL TALANOA WITH SAMOAN LEADERS

Three talanoa with Samoan leaders in Auckland, Wellington and Christchurch were delayed due to an outbreak of COVID-19, which led to a nationwide lockdown and a subsequent vaccination drive that was a priority and focus for some of the leaders involved. These talanoa were undertaken after the interim report was produced, and the results are captured in this section.

Some of the themes that arose from these additional talanoa reinforce the key findings and cross-cutting insights in the main report. There were also some slight variations to those themes that arose, as well as new insights, both of which are included.

Method

The three talanoa were conducted using the qualitative engagement methods outlined in the report. All talanoa were hosted online, and a total of twenty-nine Samoan leaders took part across the talanoa groups in Auckland, Wellington and Christchurch. Ethnographic scoping conversations were undertaken beforehand with a wide range of people connected to Samoan communities, many of whom acted as intermediaries and made introductions to participants. This ensured that our interviewees were carefully targeted to include those Samoan leaders and community members with relevant experiences of adoption and adoption processes. Our participants were a mix of matai (chiefs), faifeau (church leaders), professional support people, academic leaders, adoptive parents, adopted people and community members.

Dominant themes that reinforced key findings and cross-cutting insights

The importance of cultural values in the adoption process

Participants in our three talanoa continued to emphasise the importance and relevance that Samoan cultural values and concepts have within all stages of Samoan adoptions recognised in New Zealand. In these talanoa there tended to be additional weight given to Biblical thought, and this is expanded upon in the *New insights* section, below.

Concerns for wellbeing and safety of adopted children

The culture shock that adopted Samoans may experience in New Zealand, exacerbated by language difficulties and system differences, continued to be a significant topic of discussion across the three talanoa. We heard again that many young people adopted from Samoa struggle to navigate the education system and find their place in a new country and culture. Some of these young people were seen to be getting into trouble or “off track”.

"They make it to the land of milk and honey, and then when they get here, they realise that it was not all it was expected to be because it's hard to adapt." – Professional support person

Safety concerns for adoptees remained a topic of concern. Many participants felt that these harmful situations that arise could be mitigated by governments working together to ensure thorough vetting processes of potential adoptive parents and their environment.

"I went to help a couple who adopted 10 children from Samoa, I couldn't even walk through the front door because of the alarm bells going through my mind." – Professional support person

The need for pre-adoption guidance and transitional support

As with the previous talanoa and interviews, the need for a proper pre-adoption induction process for those involved was a strong theme. Some participants mentioned that potential adoptive parents may have a lack of prior knowledge of the difficulties inherent in raising an adopted child, and be unaware of the emotional support and guidance they will need.

"Before adopting, someone should sit down with prospective adoptive parents and walk them through the process to see if they have the capacity to adopt in the first place." – Adoptive parent

Some participants mentioned that investing in ongoing guidance and support for adoptive parents and adopted children, post-adoption, may also mitigate some of the more harmful situations that arise.

"Supports only kick in when the kids are being abused ... if New Zealand can see all these kids are coming then the New Zealand government could say 'let's check in and see if this family needs some support'." – Professional support person/Academic leader

New insights

There were some new insights generated from the three talanoa. Some of these reflect the increased awareness in the Samoan community of this consultation process, and the upcoming reform of adoption laws.

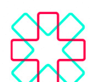
The adoption process is costly, complicated, and time-consuming

Participants across all three talanoa identified the high costs of the adoption process as a difficulty. They expressed that living in New Zealand and trying to coordinate the process of adoption with Samoa was challenging and expensive, and could take years to complete.

"It costs a lot to bring a child over ... you could spend more of that money on that child's wellbeing ... then once the child comes over here, you have to work another fifty years to pay it off." – Adoptive parent

Some participants also conveyed that the process of adoption can be confusing and difficult to understand, particularly due to the impacts of the ongoing pandemic, which has slowed down processes even further.

"It's a journey trying to navigate Samoa and New Zealand adoption laws and process and trying to understand who you talk to ... it's not a clear process." – Adoptive parent



There is concern that narratives about harm in Samoan adoptions recognised in New Zealand could affect the viability of future adoptions

Participants across all three talanoa acknowledged the need to address safety concerns for the young adopted people brought to New Zealand. Concerns were also raised among the groups that these cases of harm could potentially cast a shadow over Samoan adoptions as a whole, which are, for the most part, positive family experiences.

"Those negative cases give others a bad name ... those young people we brought here were really struggling there as their main caregiver had passed away but now, they are all doing really well." – Adoptive parent

There is an appetite for further, and more widespread, consultation about adoption law reform with the wider Samoan community

Perhaps due to the interconnectedness of the Samoan community in New Zealand, there appeared to be a more widespread awareness of the adoption law reform consultation among the groups of leaders we spoke to in this round of talanoa. Participants wanted the conversation about adoption law reform to be had with their wider community members impacted by adoption. A few participants also noted that adoptions in the Samoan community are now a major practice in New Zealand, and could benefit from further investment and research.

"There needs to be more widespread consultation not just with leaders, as community members are adopting and they might not even know this reform is even happening ... we can tell those community members we know but we do not have access to everyone." – Faifeau

There was an undercurrent of concern across all talanoa that Government might not "listen" and make the changes needed.

"How much are they going to value this feedback or are they going to throw this advice out the door?" – Professional support person

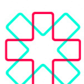
"Are we going to be back here in 10 years' time speaking about the same issues because there is no change?" – Professional support person/Academic leader

Samoan adoptions are a practice of faith

A number of participants in this round of talanoa spoke about the influence of the Bible in their decision-making around adoption. One participant said that they chose to adopt because it reflected a practice modelled in the Bible by God showing alofa (love) to his children. Therefore, to adopt was a way to practice faith and demonstrate love for family.

"The first story of adoption was in the Bible when Christ adopted us as his children. This was a practice of love and so we can show love by carrying out this practice too." – Samoan leader

"Through God's example of vaetama or adoption of us, we can also be an example and show love by adopting." – Adoptive parent



Samoan adoptions recognised in New Zealand may help prevent the hardships wrought by poverty

A new driver that emerged relating to cultural values was ‘mativa’, or hardship. Participants were concerned about poverty and lack of opportunities in Samoa, and the subsequent hardship and struggles for their Samoan family members. Some participants explained that they wanted to share what they have been blessed with here in New Zealand, with others.

“It is hard for us when we know that some of our families back in Samoa, who do not have much, see us living in a large home compared to how they live in fale apa[26]. We want to bring their children over so that we can share what we have here with them and give them a better future so they can help their families back home” – Faifeau

One participant spoke of the impact of visiting Samoa with their “flash clothes” and the perception in Samoa that life in New Zealand is easier – “a land of milk and honey”. Participants told us that their families in Samoa often believe that their children could have a better life if they adopted them out to a New Zealand-based family.

“Every time my husband and I go back to Samoa, my children always tell us, ‘mum and dad, please do not go and adopt more children’ but it’s hard for us when we go there and see some of their families there struggling, and the birth parents asks us to please take their kids so that they can have a better life and more opportunities.” – Adoptive parent

Adopted Samoans tend to grow up and become adoptive parents

Some participants identified that Samoan adoptions recognised in New Zealand are now part of an intergenerational practice. They were able to identify friends and family members who had been adopted children from Samoa, and had gone on to become adoptive parents themselves. This practice was continued in order to enable cultural values, serve their family, and help the next generation in Samoa.

“I noticed that some of my cousins who came here, those who were adopted, would then adopt more children and young people from Samoa ... it was like a cycle so that they could try to help more of their families.” – Community member

“My parents spent their entire life adopting children and young people from Samoa to help their family. I noticed that those they adopted would then go on an adopt children and young people themselves when they got older.” – Community member

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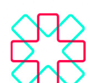
[26] Described by the translator as open hut homes with corrugated roofs.



GLOSSARY

Aiga – family

Fa'a Samoa – Samoan way or culture

Hapū – a subtribe within an iwi

Ihi – a positive energy within that gives way to an ability

Iwi – a tribe, or extended group of people often descending from a common ancestor

Kaitiakitanga – guardianship, care and protection, often referring to the environment

Kirirarau - citizen

Mana Whenua – territorial rights, authority over lands

Mana – prestige, power and influence.

Matua Whānau – birth parent(s)

Matua Whāngai – whāngai parent(s)

Mauri – spirit or living essence

Pākehā – a person or group of people from Aotearoa, with European ethnicity

Tamaiti whāngai – whāngai Child

Taonga – a treasure

Tapu - sacred

Tau iwi – non-Māori

Te Tiriti o Waitangi – The Treaty of Waitangi (a treaty signed by representatives of the British Crown and some Māori chiefs)

Tīpuna - ancestor

Tūrangawaewae – a place of belonging, where one has rights of residence and belonging through whakapapa

Vaetamaina - Samoan customary adoption

Wairua - spirit

Wehi – a response of awe in reaction to an action, acknowledging ihi

Whakapapa – genealogy to your ancestors, descent

Whānaungatanga – relationships and connections, often through shared experiences, working together. Whānaungatanga gives a sense of belonging, obligations and strength

Whānau – family

Whāngai – A gifting of a child, to be nurtured and cared for by someone other than a birth parent