

Adoption i Aotearoa

He tuhinga whakarāpopoto



MINISTRY OF
JUSTICE
Tāhū o te Tūre

Ahakoia kua whāia ngā huarahi whaitake katoa ki te whakarite i te tika o ngā mōhiohio kei tēnei tuhinga, e whakakāhore anate Tāhū o te Ture i ngā haepapa katoa mō nga hē, hapa, whakaware, tētahi atu mākūware, takarepa, muhu rānei e pā ana ki ngā mōhiohio; me te tino whakakore i ngā momo kawenga katoa ki tētahi tangata, rōpū rānei e whirinaki ana ki ēnei mōhiohio.

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I whakaputaina e Te Tāhū o te Ture

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E hiahia ana mātou ki te rongō i ō whakaaro

E hiahia ana mātou ki te rongō i ō whakaaro mō ngā ture adoption o te wā nei me ō whakaaro mō te āhua o ngā ture adoption i muri nei. Ka whakamahia ō whakaaro ki te āwhina i a mātou ki te whakawhanake kaupapahere adoption me ngā tono mō te panonitanga ture.

Me pēhea te whai wāhi

E tiro whānui ana tēnei tuhinga whakarāpopoto i te tuhinga matapaki nui o ngā ture me ngā whakaritenga adoption o te wā nei. E miramirahia ana ngā take o te waiho i ngā ture kia pēnā tonu, me te tono i ō whakaaro ki ngā kōwhiringa mō te āhua o te panoni pea i te ture.

Ka kitea hoki tētahi tāruatanga o te tuhinga matapaki nui i te paetukutuku Whakahou Ture Adoption: www.justice.govt.nz/adoption-law-reform/.



Ka taea te tuku whakaaro mā te ipurangi mā te whakakī i te puka tono e wātea ana i <https://consultations.justice.govt.nz/policy/adoption-law-reform>



Ka taea hoki tāu ake tono, ka īmēra atu ki adoptionlaw@justice.govt.nz me pōhi rānei ki:



Adoption Law Reform (Whakahou Ture Adoption)
Ministry of Justice
Free Post 113
PO Box 180
Te Whanganui-a-Tara 6140



Mēnā he pātai āu mō tēnei tuhinga whakarāpopoto, mō te kaupapa Whakahou Ture Adoption, tēnā whakapā atu ki adoptionlaw@justice.govt.nz

Ka taea te kite ngā putanga kua whakamāoritia, kua wātea hoki, tae atu ki te putanga Reo Pākehā, i te paetukutuku Whakahou Ture Adoption o runga.

Te rā whakamutunga ki te tuku whakaaro

Ko te rā whakamutunga mō ngā tono katoa ko te **5pm Rātū, 31 o Hereturikōkā 2021**. Ko ngā tono e tae mai ai i muri o tēnei wā ka āta whakaarotia motuhaketia anake.

Te Matatapu me ngā Mōhiohio Ōkawa

Kia mahara noa tērā pea ka whakaraeraetia tō tono ki tētahi tono ki te Tāhū o te Ture mō ngā mōhiohio i raro i te Ture Mōhiohio Ōkawa 1982. Ka taea te puri tonu i ngā taipitopito whaiaro i raro i te Ture, tae atu ki tō ingoa me tō wāhi noho. Ki te kore koe e hiahia kia tukuna ngā mōhiohio e whakaratoa ana e koe, tēnā kōrero mai kia mārama tonu, ā, he aha i pērā ai. Hei tauira, ka hiahia pea koe kia noho matatapu ētahi o āu mōhiohio nā te mea he mōhiohio whaiaro, matatapu hoki. Ka whakaarotia ō tirohanga e Te Tāhū o te Ture ina urupare atu ki aua momo tono.

Ko te Ture Matatapu 2020 e urungi ana i te āhua kōhi, pupuri, whakamahi me te tuari a te Tāhū i ngā mōhiohio whaiaro mōu me ngā mōhiohio ka whakaratoa e koe. Nōu tonu te mana kia whakahokia, ā, kia whakatikahia tēnei mōhiohio whaiaro.

Te Tāhū o te Ture - Ka taea te kite i te ture matatapu nui i konei:
https://consultations.justice.govt.nz/privacy_policy/

Whakataki

Ko te adoption, te āhuetanga e whakamanatia ā-ture ai kia whakatipuria ai tētahi tamaiti e tētahi atu tangata, tāngata rānei, i tua atu i ōna mātua ake. I eke te nui o ngā adoptions ki te taumata ikeike rawa i Aotearoa i ngā tau o te 1970, otirā tata ki te 4,000 ngā tamariki i adopted i ia tau, i ia tau. Kua heke haere te nui o ngā adoptions i Aotearoa i te paheketanga o te wā, otirā he 125 noa iho ngā adoptions i whakamanatia e te Kōti Whānau o Aotearoa i te tau 2020.

Kua tū te ture adoption matua o Aotearoa, arā te Ture Adoption 1955, aua atu i te 65 tau. Kua kore te ture e whakaata tika i te porihanga o Aotearoa, i ngā ritenga adoption hou, ā, e kore hoki ngā mōtika o te tamaiti e noho mātāmua. Ināianei e whakamahia ana ngā ture adoption mō ngā take kāore i whai whakaarotia ake i te wā i whakaturehia ai. Hei tauira, ināianei e whakamahia ana te adoption ki te hanga whanaungatanga ā-ture nui i waenganui i ngā mātua e manako ana, me ngā tamariki i whānau kōpū adoption mai (i te wā ka whakaae te wahine ki te whakawhānau i te tamaiti, kātahi ka tukuna ki tētahi/ētahi atu kia noho hei mātua).

Ko te nuinga o ngā adoptions e whakamanahia ana i Aotearoa, nō tāwahi, whakawhiti mai rānei i tāwāhi (tāpiri atu ki ngā adoptions 125 i whakatauhia e te Kōti Whānau o Aotearoa i tērā tau). Ka uru ki tēnei ngā adoptions o ngā Whenua Kirimana ki te Hague Convention me ērā kāore i pērā ai. Ko te nuinga o ngā adoptions o tāwāhi e hua mai ana i ngā whenua o Te Moana-nui-a-Kiwa ngā mea e whakamanahia ana e Aotearoa. Hei ētahi wā, kua pupū ake ētahi take mōrearea o te tiaki tamaiti i te mea kāore ngā ture o whenua kē e hāngai ana ki te huarahi ka whāia e Aotearoa mō te haumarutanga me te oranga o te tamaiti.

He pānga nui, oranga taumano hoki tō te adoption i runga i te hunga katoa e whai wāhi ana, tatū noa ki ngā tamariki e adopted ana. He pānga nui pea ki te tuakiri o te tangata, arā ko te whakahirahira o tōna ahurea me tōna reo. Ina koa, ngā tamariki Māori i adopted e te whānau ehara i te Māori, ka momotu pea mai i tō rātou ahurea, ā, he uaua ki te tūhono atu ki tōna whakapapa, ki tōna whenua. Ka tukuna haere pea tēnei wheako motunga ahurea ki ngā whakatipuranga i muri iho.

Nā ngā whakarerekētanga ki tō tātou māramatanga o ngā ritenga pai, me ngā pānga o te adoption, i whakaawe ai tō tātou aronga ki te adoption. Ko te nuinga o ngā adoptions i ēnei rā e 'tuwhera' ana, otirā e whanaunga tonu ana te tamaiti ki ngā mātua ake me te whānau i te nuinga o te wā.

E arotakehia ana e mātou ō tātou ture adoption kia pai ai te anga whakamua me te hanga i te ture adoption e haumaruru ana, e tū tautoko ana mā te katoa e whai wāhi ana ki te mahi adoption. Ko tā mātou he whakarite kia noho mātāmua ngā mōtika o te tamaiti ki te ture hou me te whakarite anō kia pai ake tana tautoko me tana whai whakaaro ki ngā matea, tae atu ki ngā matea ahurea o te katoa e whai wāhanga ana.

Ka whakaarotia e mātou mēnā me whakamana ā-ture te ture adoption i ngā whakaritenga o te tikanga whāngai (arā, te tikanga o te riro mā ētahi o te whānau whānui e tiaki te tamaiti). Ka tirohia hoki e mātou ngā haurahi ki te whakapai ake i te tukanga adoption i te wā ka whānau mai te tamaiti mā te tikanga kōpū adoption.

Kua roa hoki e karangahia ana kia panonitia ngā ture adoption o Aotearoa. E aumihi ana mātou ki te roa me te nui o te kaha kua whakapaua e ngā kaitaunaki whakahoutanga i ngā tau maha ki te whakatinana i te panonitanga. E mihi ana hoki mātou ki te hunga i whai wāhi mai i te wā i whakaarotia ai te whakahoutanga ture adoption e ngā kāwanatanga o mua. Nā ngā whakapaunga kaha o te hunga i whai wāhi mai i āwhina i a māotu ki te huritao ki ngā āhuatanga o mua, me te ārahi i te whanaketanga o te ture me te kaupapahere adoption i te rā nei.

E kāhua ana tēnei tuhinga whakarāpopoto i ngā ture adoption o Aotearoa me te whakarato i tētahi tiro whānui ki ētahi o ngā take o te ture o nāianei. He whakarāpopototanga tēnei o te tuhinga matapaki *Adoption in Aotearoa New Zealand*. E whakarato ana te tuhinga matapaki i ngā āmiki, tae atu ki ētahi whakaaro me pēhea te panoni i te ture. Ka kitea tētahi tāruatanga o te tuhinga matapaki katoa i te pae tukutuku Whakahoutanga Ture Adoption:

www.justice.govt.nz/adoption-law-reform/

E hiahia ana mātou ki te rongō i ō whakaaro mō te āhua o te ture adoption, ā, me pēhea hoki tana whakaata i te Aotearoa hou.

Ngā whāinga o te arotake i te ture adoption i Aotearoa

Ka whakaritea ēnei whāinga hei hanga i te āhua o te whanaketanga ture adoption i Aotearoa. Ka whakamahia hei ārahi, hei whakaaroaro hoki i ngā whakaaro mō te whakahou.

- He whakahou me te whakatōpū i ngā ture adoption o Aotearoa hei whakaata i ngā tukanga adoption hou, hei whakatutuki i ngā matea me ngā tūmanako ā-pāpori, me te whakatairanga i te ōritetanga o ngā mātāpono o te ture tamaiti-mātāmua.
- He whakarite kia noho ngā mōtika tamariki ki te manawa o ngā ture me ngā whakaritenga adoption o Aotearoa, ā, e tiakina ana, e whakatairangatia ana hoki ngā mōtika, ngā tino aronga me te oranga o ngā tamariki puta noa i te tukanga adoption, tae atu ki te mōtika ki te tuakiritanga me te āheinga ki ngā mōhiohio.
- He whakarite kia tutuki i ngā ture me ngā whakaritenga adoption ō tātou haepapa i raro i Te Tiriti o Waitangi, me te whakaata i ngā tikanga me ngā mātāpono ahurea tōtika, tatū noa ki te tikanga Māori, i ngā wā e tika ana.
- He whakarite i te wāteatanga o ngā tautoko me ngā mōhiohio tōtika ki te hunga e hiahia ana puta noa, i muri hoki i te tutukitanga o te tukanga adoption, tae atu ki ngā mōhiohio mō ngā adoption o mua.
- He whakapai ake i te wawetanga, te utu me te whāomotanga o ngā tukanga adoption ina whānau ā-kōpū adoption te tamaiti, ā, ka hāpaitia tonutia ngā mōtika me ngā aronga o aua tamariki.
- He whakarite kia tutuki i a Aotearoa ngā haepapa ā-āo e hāngai ana, tatū noa ki ērā kei te Kawenata UN o ngā Mōtika o te Tamaiti me te Kawenata Hague mō te Tiakanga o te Tamaiti me te Mahi Tahitanga e Pā ana ki te Adoption Whakawhiti Whenua.

He aha te adoption?

E takoto ana ngā ture adoption o Aotearoa ki ngā Ture e toru. Ko ngā ture adoption katoa o Aotearoa kei roto i tēnei anga, engari tērā ētahi hangoretanga o te whakataunga i te ture.

<p>E whakatakoto ana te Ture Adoption 1955 i te nuinga o ngā ture o Aotearoa mō te adoption rāroto, mē ētahi wāhanga ā-ao.</p>	<p>E whakatakoto ana te Ture Mōhiotia Adoption Kātua 1985 i ngā ture o te āhei o ngā tāngata i adopted, me ngā mātua ake ki ngā mōhiotia adoption.</p>	<p>E whakatakoto ana te Ture Adoption (Whiti whenua) 1997 i te ture o ētahi adoptions i te wā e noho ana te tamaiti me ngā kaitono i whenua rerekē. E whakatutuki ana i te Kawenata Hague mō te Tiakanga o ngā Tamariki me te Mahi Tahitanga e Pā ana ki te Adoption Whakawhiti Whenua ('te Kawenata Hague').</p>
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E aro ana te ture ki ēnei tūmomo adoption e toru:

- Ngā adoption rāroto, i te wā e noho ana te tamaiti me ngā mātua adoption i Aotearoa.
- Ngā adoption ā-ao, i te wā e noho ana te tamaiti me ngā kaitono adoption i tāwāhi.
- Ngā adoption whiti whenua, i te wā e noho ana te tamaiti me ngā kaitono adoption i ngā whenua rerekē. Ka taea ngā adoption whiti whenua i raro i te Kawenata Hague, i waho rānei o taua tukanga.

Te Ture ā-ao

Tērā ētahi whakaaetanga ā-ao e whakaawe ana, e noho ana hei wāhanga o ngā ture adoption o Aotearoa. Kei roto i tēnei, engari kāore i whāiti ki te:

- [Kawenata UN mō ngā Mōtika o te Tamaiti](#) ('te Kawenata Tamariki')
- [Kawenata Hague mō te Tiakanga o te Tamaiti me te Mahi Tahitanga e Pā ana ki te Adoption Whakawhiti Whenua.](#)
- [Whakapuakitanga o te Rūnanga Whakakotahi i ngā Iwi o te Ao mō ngā Mōtika o te Iwi Taketake](#)
- [Kawenata o te Rūnanga Whakakotahi i ngā Iwi o te Ao mō ngā Mōtika o te Tangata Whaikaha.](#)

E ai ki te Kawenata Tamariki ko te tamaiti, he tangata kei raro i te 18 tau te pakeke. He whitake hoki tēnei Kawenata ki te ture e pā ana ki te tamaiti, i te mea e whakatakoto ana i ngā mōtika whānui o te tamaiti.

Te whānuitanga o te pūnaha

Ko te adoption tētahi momo o ngā whakaritenga ā-ture mō te tiakanga o te tamaiti i Aotearoa. Koia kei tētahi pito o te whānuitanga o ngā whiringa o ngā momo huarahi e taea ana te tiaki i te tamaiti, i te mea he toro whānui, he pūmau hoki ōna pānga ā-ture.

Kei roto i te Ture Tiaki Tamariki 2004 me te Ture Oranga Tamariki 1989 ētahi tauira o ētahi atu momo whakaritenga tiaki tamariki e wātea ana, tae atu ki ngā momo whakahau kaitiaki, mātua rerekē hoki. Ka kitea ngā mōhiohio o ngā whakaritenga tiakanga rerekē i runga i ēnei pae tukutuku:

- Te mātuatanga me te kaitiakitanga i te pae tukutuku o Te Tāhū o te Ture: www.justice.govt.nz/family/care-of-children/parenting-and-guardianship/
- Ngā momo kaitiakitanga kei te pae tukutuku o Oranga Tamariki: www.orangatamariki.govt.nz/caregiving/types-of-caregiving/

Te Tiriti o Waitangi

Ko Te Tiriti o Waitangi he tuhinga kaupapature taketake. Ko tā Te Tiriti he whakatakoto, he ārahi i te whanaungatanga o te Māori me te Karauna. Kei roto i Te Tiriti ētahi anō horopaki mō te whai whakaaro ki ngā ture adoption o Aotearoa o nāianei. Me whai whakaaro hoki ngā panonitanga o ngā ture adoption ki Te Tiriti, me te pānga o aua panonitanga ki te Māori.

E hiahia ana mātou ki te rongō i ō whakaaro he pēhea e taea ai e te Karauna te whakatutuki i ōna haepapa rangapū ki te Māori i raro i te Tiriti e pā ana ki te ture adoption.

Te pūtake o te adoption

Kāore te ture o nāianei e kī he aha te adoption, āhea whakamahia ai rānei. Nā tēnei ka rehurehu pea te mōhio inawhea mahia ai te adoption. Kua whakamahia te adoption mō ētahi take rerekē, pēnei i te:

- tuku i tētahi whānau pūmau ki te tamaiti
- whakarite kia whakatipuria te tamaiti i tētahi taiao ā-whānau tūwhena, haumarua hoki mēnā kāore e taea e ōna mātua te tiaki i a ia, ahakoa te take.
- whakarite kia taea e te tamaiti te mana whakaheke o te whānau adoptive
- tuku tamaiti ki tētahi tokorua, ahakoa he aha te take, e kore e taea te whakawhānau tamaiti
- whakamana ā-ture i te hononga o te tamaiti ki tētahi matua whakaangi, adoption rānei
- whakawhiti i ngā mōtika hei mātua mō te tamaiti mai i ngā mātua kōpū adoption ki ngā mātua e takatū ana i raro i te whakaritenga kōpū adoption
- tuku i ngā hua manene ki te tamaiti, ki te whakaora rānei i te tamaiti mai i te rawakore ki te ao whanake, ki ngā āheinga me ngā painga o te ao o Aotearoa
- tuku āheinga ki ngā whānau kia tūhono tahi ai anō.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me tautuhi te ture he aha te adoption, ā, ki ōu whakaaro he aha te pūtake o te adoption. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni, mē ētahi atu pātai motuhake mō te pūtake o te adoption i te whārangi 11 o te tuhinga matapaki.

Ko wai ngā kaiwhakauru o te adoption?

Ko te adoption he whanaungatanga 'tapatoru' i waenganui i te:

- **tamaiti** kua whakaritea mō te adoption
- **ngā mātua ake** i whānau mai ai te tamaiti, ā, nō rāua ngā mōtika ā-ture me ngā haepapa ki te tamaiti i tōna whānautanga
- **ngā mātua adoptive** ka whiwhi i a rāua ngā mōtika me ngā haepapa ki te tamaiti i muri i te adoption.

Koinei te tapatoru e whakaatatia ana i raro i te ture o nāianei. Kāore i te tautuhi i te whānau ake o te tamaiti, e whai pānga nui ana i te tauoranga o te tamaiti, inarā i ngā ahurea Māori, Te Moana-nui-a-Kiwa hoki. He wāhanga hoki tō te kāwanatanga, te Kōti me ngā rōpū whaimana (ngā rōpū e whakaaetia ana ki te whakarato i ētahi ratonga adoption whakawhiti whenua) i te tukanga adoption i Aotearoa.

Ngā mōtika o te tamaiti i te tukanga adoption

I Aotearoa, ka taea te adopt ngā tamariki me ngā taiohi tae noa ki te 20 tau te pakeke. Ko te tikanga o tēnei, e taea ana te adopt ngā taiohi 18-19-tau te pakeke, ahakoa ka taea e rātou te noho motuhake. E kī whānui ana ētahi atu ture whānau, me ngā whakaaetanga ā-ao, ko te tamaiti he tangata kei raro i te 18 tau te pakeke.

I ētahi wā, ka hiahia te tangata kei tua i te 20 tau te pakeke kia adopted ia. Hei tauira, ka taea e te adoption te tuku i te wairua o te hononga ki te hunga nāna ia i tiaki. I ētahi wā, ka oti pea i te adoption kātua te tautoko whaihua hei tauira, i te wā e matea ana te tangata ki te tiakanga me te tautoko mauroa.

Kāore ō tātou ture e whakarato mataaho mō ngā mōtika o te tamaiti. Hei tauira, ehara i te mea me noho mātāmua ngā aronga pai rawa o te tamaiti i roto i ngā whakatau e pā ana ki a ia. Kāore hoki ngā ture e whakarite rawa i te whakaurunga o ngā tamariki ki te tukanga adoption. Kāore tēnei e hāngai ana ki te ao Māori (tirohanga Māori) e kitea atu ai te tamaiti hei taonga kia poipoia. Ka taea hoki ngā adoption ahakoa kāore te tamaiti e whakaae ana.

E hiahia ana mātou ki te rongō i ōu whakaaro mō te hunga e tika ana kia adopted. E hiahia ana hoki mātou ki te rongō i ō whakaaro mō te āhua o ngā mōtika tamariki, otirā te mōtika whakauru, e pai ake ai te whakauruhia ki te ture adoption. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni, mē ētahi atu pātai motuhake mō te pūtake o te adoption i te whārangi 14 o te tuhinga matapakī.

Ngā Mātua ake

E kī ana te ture, ko ngā mātua ā-ture o te tangata ko te whaea (nāna i whakawhānau) me te matua (te hoa tāne ake, o mua rānei o te whaea i te wā o te hapūtanga, i te whānautanga

rānei, i whakaingoahia rānei i runga i te tiwhikete whānau). Ka whakatau ētahi mātua whānau ki te tuku i tā rāua tamaiti kia adopted, otirā he whakatau nui tērā.

Kia whakaae rawa ngā mātua whānau ki te adoption, ka mutu tō rātou tūnga i te tukanga adoption. Kāore ō rāua mōtika ki te haere ki te whakawākanga adoption, te kōrero rānei ki te kaiwhakawā e whakatau ana i te tono adoption. He iti noa hoki ngā mōhiohio me ngā ratonga tautoko e wātea ana ki ngā mātua ake i mua, i te wā, i muri hoki o tētahi adoption.

E hiahia ana mātou ki te rongō i ōu whakaaro he aha pea te tūnga o ngā mātua ake i roto i te tukanga adoption. Ka kitea ētahi atu taipitopito tae atu ki ngā whiringa mō te panoni me ngā pātai motuhake ake o te tūnga o ngā mātua ake i te whārangi 17 o te tuhinga matapaki.

Ka taea e wai te adopt?

E kī ana ō tātou ture adoption ko wai e taea ana te adopt (ko wai rānei e 'māraurau' ana). Tērā ētahi ture e pā ana ki mana mārenatanga, te pakeke me te ira o te kaitono:

- e taea ana e te tangata te tono takitahi ki te adopt, e ngā hoapiri te tono takirua rānei ki te adopt
- me 25 tau rawa te tangata e hiahia ana ki te adoption, ā, me pakeke ake mā te itinga iho o te 20 tau i te tamaiti e adopted ana. Mēnā e rua ngā hoapiri e adopt ana, ko tētahi me eke rawa ki te 25 tau te pakeke, ā, ko tētahi me 20 tau neke atu
- kāore rawa e taea e te tāne te adoption takitahi i te tamaiti uha, engari anō mēnā ko te tāne e tono ana ko ia te matua o te tamaiti, tērā rānei ētahi āhuatanga motuhake.

Kāore ēnei ture e tino whakaatu ana i te pai o te kaitono ki te whakatipu tamaiti. Kāore hoki i whakaata i te āhua o te whānau hou, te hanganga, te tautuhi rānei i ngā ariā o te tuakiri ira me te ira whiti. E ai ki te Rōpū Arotake Tika Tangata e whakahāwea ana ngā ture i runga i te take mārenatanga, te pakeke me te ira.¹ Ka taea tonutia te whakahaere ngā adoptions ā-mātua whakaangi, ā-whanaunga hoki i raro i ngā ture o Aotearoa.

E hiahia ana mātou ki te rongō i ō whakaaro kia panonitia rānei ētahi āhuatanga o te hunga e māraurau ana ki te adoption tamariki. Ina whakaaro ana koe me panoni, e hiahia ana mātou ki te rongō he aha ō whakaaro. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni, mē ētahi atu pātai motuhake o te hunga e āhei ana ki te adopt, i te whārangi 18 o te tuhinga matapaki.

Te Whānau ake

He wāhanga nui tō te whānau ake, arā ko te whānau, te hapū me te iwi i roto i te tauoranga o te tamaiti. He nui hoki te whai pānga ki te Māori me ngā iwi o Te Moana-nui-a-kiwa o te whakaurunga o te whānau whānui ki te oranga o ngā tamariki. Ko ngā whakataunga ngātahi e whakauru ana i te whānau e whakarite i te whai whakaarotanga o ngā tirohanga maha i te wā e whakatau ana i te momo whakaritenga tiakanga e pai ana ki ngā aronga pai o te tamaiti.

¹ *Adoption Action Inc v Attorney-General* [2016] NZHRRT 9.

Kāore ngā ture adoption o te wā nei e whakamana i te tūnga nui o te whānau, ā, kāore he here o te whakauru i a rātou ki tētahi whakataunga ki te tuku i te tamaiti kia adopted. Kia tatū rawa tētahi whakahau adoption, ka tangohia e te ture ngā hononga ā-ture o te tamaiti ki tōna whānau ake. He ruarua noa ngā āheinga o te whānau whānui ki te whakauru atu ki te tukanga adoption.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me whai tūnga te whānau whānui ki te tukanga adoption. Ina whakaaro koe me whai tūnga rātou, e hiahia ana mātou ki te rongō i ō whakaaro me pēhea te whakauru i a rātou. Ka kitea ētahi atu taipitopito tae atu ki ngā whiringa mō te panoni me ngā pātai motuhake mō te whānau ake, i te whārangi 21 o te tuhinga matapakī

Te Kāwanatanga, te Kōti me ngā rōpū whai mana

Oranga Tamariki

Ka whai wāhi mai a Oranga Tamariki ki ngā adoptions maha i roto o Aotearoa. Ka mahi rātou i te taha o ngā mātua ake me ngā mātua adoptive. Kia tae rawa tētahi tono adoption ki te Kōti, ka tuhia tētahi pūrongo kaitauwhiro e ngā kaitauwhiro a Oranga Tamariki, e whakarato ana i ngā mōhiotia mō te tono me te huatau o ngā kaitono ki te adopt i te tamaiti.

Ko Oranga Tamariki hoki te kaiwhakataū (e mōhiotia nei ko te 'Mana Pū') i Aotearoa mō ngā adoption whakawhiti whenua i raro i te Kawenata Hague.

Te Kōti

Ko te Kōti Whānau te kaiwhakataū i te tukanga adoption i raro i te Ture Adoption, ā, e haepapa ana mō te tuku whakahau mō ngā adoptions rāroto (i Aotearoa) me ngā adoptions whakawhiti whenua.

Ētahi atu tari kāwanatanga

Ka whai tūnga hoki ētahi atu tari kāwanatanga, pēnei i te Tari Taiwhenua me Te Tari Manene, i roto i te tukanga adoption. Ko te Te Tāhū o te Ture te kaitiaki i ngā ture adoption e toru, me te tuku tohutohu ki te kāwanatanga o te panonitanga ture adoption.

Ngā rōpū whai mana

Mō ngā adoptions whakawhiti whenua a te Kawenata Hague, ka tukuna te mana ki ngā rōpū i waho o te kāwanatanga e kīia nei he 'rōpū whai wāhi', ki te kawē i ētahi mahi. Kotahi o te rua ngā mahinga anake ka taea e ngā rōpū whai mana:

- te mātauranga me te aromatawai,
- te whakahaere me te whakaoti i ngā adoptions, rānei.

Kāore hoki he rōpū whai mana mō ngā adoptions rāroto.

E hiahia ana mātou ki te rongō i ō whakaaro mō ngā tūnga o te kāwanatanga, te Kōti me ngā rōpū whai mana i te tukanga adoption. Ka kitea ētahi atu taipitopito me ngā pātai motuhake o te tūnga o te kāwanatanga, te Kōti me ngā rōpū whai mana i te whārangi 24 o te tuhinga matapakī.

Te ahurea me te adoption

He kanorau ā-āhurea, ā-mātāwaka hoki a Aotearoa. Ka noho hei wāhanga nui te ahurea o te tangata ki tōna tuakiritanga, ā, ka tuku ki te tangata te wairua toiwhenua me te āhuru. E ai ki te Māori, he mea nui te whanaungatanga me te whakapapa, ki te tuakiritanga.

I tēnei wā ko ngā ture adoption o Aotearoa e poua ana ki ngā mōhiotanga Pākehā mō te adoption me ngā hanganga ā-whānau, ā, kāore i te whakaata i ētahi atu uara ā-ahurea, whakaaro rānei. Kāore te ture e whai whakaaro ana ki ngā matea ahurea o te hunga e whakauru ana ki te tukanga adoption.

Kia puta tētahi whakahau adoption, nō ngā mātua adoptive te haepapa ki te tautoko i te tamaiti kia mau ai, kia mārama ai, kia poipoi ai hoki i tōna ahurea, i tōna reo, i tōna tuakiri. I ētahi wā, ka hiahia pea ngā mātua adoptive ki te whakatutuki i ēnei matea ahurea, engari tē mōhiotia me pēhea. I ētahi atu wā, ka mahue pea i ngā mātua adoptive, kāore rānei e tino mārama, ki te hiranga o te ahurea me te tuakiri o te tamaiti.

E hiahia ana mātou ki te mōhio mēnā ki ōu whakaaro me panoni te āhua o te whai whakaarotanga o te ahurea o te tamaiti i te tukanga ahurea, ā, me te āhua o te panonitanga o ngā ture adoption o Aotearoa kia pai ai te whakaurunga ā-ahurea. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa mō te panoni me ētahi atu pātai motuhake o te ahurea me te adoption i te whārangi 26 o te tuhinga matapakī.

Ko te Whāngai

Ko te tamaiti whāngai, tamaiti atawhai rānei tētahi tikanga Māori tuku iho, otirā e poipoia ana ngā tamariki e ētahi atu (ētahi o te whānau pea) hāunga ngā mātua ake. Ko te whāngai e kīia ana ko 'te whāngai he tikanga tuku iho a te Māori', engari he rerekē mai i ngā adoptions i raro i te Ture Adoption. E mōhio ana ngā tamariki whāngai he whāngai rātou, ā, ka whanaunga tonu ki ō rātou mātua ake, te whānau te hapū me te iwi.

He tino whāiti ngā take whakamana o ngā ture o Aotearoa i te tikanga whāngai a te Māori. He nui hoki ngā āhuatanga kāore ngā mātua whāngai e whai mōtika hei mātua i raro i te ture, me ngā haepapa ki ngā tamariki. Nā tēnei ka uaua pea mā ngā mātua whāngai ki te tiki āwhina kāwanatanga, mātauranga me te hauora hoki mā ngā tamariki whāngai.

Ka pātai pea ngā mātua whāngai ki te Kōti ki te tuku whakahau hei whakamana ā-ture i te whakaritenga whāngai. Hei tauira, ka taea e rātou te tono tētahi whakahau kaitiaki, adoption rānei, e tuku ai i te haumarutanga ā-ture, te pūmautanga rānei mō te tamaiti me te whānau. Engari, he whāiti noa ngā ara e uru ai te whānau ki te tukanga kōti, ā, pā kinotia pea te rangatiratanga o te whānau, hapū me te iwi. Ka tuki hoki pea ngā whakahau kōti ki te hangoretanga me te raungāwaritanga o te tikanga ake o te whāngai.

E hiahia ana mātou kia mārama ake ki te tikanga o te whāngai, ā, me te rongoi mai i te Māori, kia mārama mēnā me panoni ētahi wāhanga ki te āhua o te whakahaere a te ture i te whāngai. Mēnā e matea ana ētahi panonitanga, e hiahia ana mātou ki te mahi tahi ki te Māori ki te whakarite e tika ana te pānga o te ture ki ngā whakaritenga whāngai. Ka whakahaeretia hoki ngā whakaurunga heipū ki te Māori hei wāhanga o te tukanga whakahou

adoption. Ka kitea ētahi atu matapakitanga mō te whāngai i te whārangi 28 o te tuhinga matapaki.

Ngā whāngai tikanga tuku iho

He rerekē ngā tikanga whāngai tuku iho o ngā ahurea maha, otirā he whānui hoki te kitea i ngā whenua o Te Moana-nui-a-Kiwa. Kāore ō tātou ture e whakamana ana i ngā tikanga whāngai tuku iho o ngā ahurea ehara i te Māori, engari ka tino whāiti te whakamanahia e ētahi wāhanga o te ture o Aotearoa. Hei tauira, ka whakamanahia ngā whāngaitanga tikanga tuku iho mō te take o te utunga mō te whakamatuatanga tiaki pēpē, te penihana tamaiti tē tautokotia, ngā take manene rānei.

E hiahia ana mātou ki te rongō i ō whakaaro mō te āhua tiaki o ō tātou ture adoption i ngā whāngaitanga tikanga tuku iho, tatū noa ki ērā mō ngā hapori o Te Moana-nui-a-Kiwa me ētahi atu iwi. Ka kitea ētahi atu taipitopito, tatū noa ki ngā kōwhiringa mō te panoni me ētahi atu pātai motuhake mō ngā whāngaitanga tikanga tuku iho, i te whārangi 29 o te tuhinga matapaki.

He pēhea nei te whakatutuki i te tukanga adoption?

Ngā adoptions o tāwāhi, whakawhiti whenua hoki

I raro i te ture o Aotearoa ka taea te adoption o tāwāhi, te adoption whakawhiti whenua hoki. Ko ngā adoptions o tāwāhi ko ērā e noho ana te tamaiti me ngā kaitono adoptive i tāwāhi. Ko ngā adoptions whakawhiti whenua ko ērā e noho ana te tamaiti me ngā kaitono adoptive i ētahi whenua rerekē e rua. Ko te nuinga o ngā adoptions e whakamanahia ana i Aotearoa i tēnei rā, ko ngā adoptions o tāwāhi, ā, ko ngā kirirarau, ngā kainoho tūturu rānei o Aotearoa ka noho hei mātua adoptive.

Te whakamanatanga o ngā adoptions o tāwāhi

He mea hira tonu te whakamana i ngā adoptions o tāwāhi ina toro, neke rānei te whānau ki Aotearoa. E aunoa ana te whakamana o te ture o Aotearoa i ngā adoptions i tatū i ngā whenua o tāwāhi, engari me whakatutuki i ētahi paearu i te tuatahi. I aua wā, e whakamanahia ana ngā mātua adoptive hei mātua ā-ture o te tamaiti, ā, ka āhei te tamaiti ki ētahi mōtika ā-ture me ngā haepapa, pēnei i ngā mōtika manene, kirirarau hoki. Ka whakamanahia tētahi adoption o tāwāhi i Aotearoa mēnā i:

- whaimana ā-ture i te whenua i tū ai
- tuku i te haepapatanga nui ake ki ngā mātua adoptive mō te tiakanga o ia rā o te tamaiti, i tō ngā mātua ake, ā
- tatū i tētahi whenua i whakatauhia ai e te ture,² he tuku rānei ki ngā mātua adoptive ngā mōtika whakarereka ōrite, nui ake rānei i ō ngā mātua ake.

E whirinaki ana a Aotearoa ki tētahi atu whenua kia whai whakaarotia ngā mōtika o te tamaiti, ōna aronga nui, me tōna orange i te wā e whakatauhia ana ki te whakarite i tētahi adoption e whakamanahia ana i muri iho. E kore pea ētahi atu whenua e whai i ngā huarahi e whai whakaaro nei a Aotearoa e tika ana hei tiaki i ngā mōtika tamariki, kei turarutia ngā aronga nui me te orange o te tamaiti. Hei tauira, ka hanga pea ētahi tūraru e pā ana ki te hoko tamariki, te whakataurekareka, te tūkinu rānei.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me panoni ētahi āhuetanga e whakamana ana tātou i ngā adoptions o tāwāhi. Ka kitea ētahi atu taipitopito, tatū noa ki ngā kōwhiringa panoni, me ngā pātai motuhake o te whakamana i ngā adoptions o tāwāhi, i te whārangi 33 o te tuhinga matapakī.

² He whenua Commonwealth, a Amerika, he State, he rohe rānei o Amerika, he whenua i tautuhia e te Kāwana Tianara nā te Whakahau i te Kaunihera.

Te adoption whakawhiti whenua

E rua ngā momo adoption whakawhiti whenua i Aotearoa: ngā adoptions whakawhiti whenua o te Kawenata Hague, me ētahi atu adoptions whakawhiti whenua.

Ngā adoptions whakawhiti whenua o te Kawenata Hague

Ko te Kawenata Hague he whakaaetanga ā-ao e whakatakoto ana i ngā haumarutanga hei tiaki i te tamaiti me te whakarite hoki i te aronga pai o te tamaiti i roto i te adoption. Ka taea e ngā tāngata o Aotearoa te adopt i ngā tamariki mai i ngā whenua o tāwāhi i te wā e hono ana aua whenua ki te Kawenata Hauge, ā, he whakaaetanga hoki tō Aotearoa ki taua whenua.³ Ka pā te Kawenata Hauge ki ngā tamariki kei raro i te 18 tau te pakeke.

I ngā adoptions Kawenata Hauge, ka whakapā ngātahi ngā Mana Pū, ngā rōpū whaimana rānei o ngā whenua e rua e whakauru ana, ki te whakarite i te adoption. Ina whakaae ngā whenua e rua ki te adoption, ka tukuna tētahi tiwhikete hei whakaoti i te adoption. He rerekē ngā āheinga kirirarau o te tamaiti, i runga anō i te āhua o te whenua e tuku ana i te tiwhikete.

E hiahia ana mātou ki te rongoi i ō whakaaro mēnā me panoni te āhua whakatinana o Aotearoa i te tukanga adoption whakawhiti whenua o te Kawenata Hague. Ka kitea ētahi atu taipitopito, tatū noa ki ngā kōwhiringa panoni me ngā pātai motuhake o ngā adoptions whakawhiti whenua o te Kawenata Hague, i te whārangi 35 o te tuhinga matapaki.

Ētahi atu adoptions whakawhiti whenua

E whakaae ana ngā ture o Aotearoa kia tatū ngā adoptions whakawhiti whenua i waho ake o te tukanga Kawenata Hague. I te tau 2020, āhua 820 ngā tamariki i adopted i tāwāhi e ngā kirirarau o Aotearoa i whai kirirautanga hei uri, ko te nuinga nō ngā whenua o Te Moana-nui-a-Kiwa. Ko ētahi atu tamariki i adopted i tāwāhi e ngā tāngata o Aotearoa (tae atu ki ngā kirirarau me ngā kainoho) kua whiwhi uru whenua kainoho. Ko ētahi o ngā tāngata o Aotearoa i adopted i ngā tamariki mai i tāwāhi, e noho ana pea i aua whenua, engari ko ētahi atu i haere pea ki aua whenua ko te adopt tamaiti anake te take.

Ngā adoptions whakawhiti whenua i waho ake o te tukanga Kawenata Hague, ka tatū pea i:

- te Kōti Whānau o Aotearoa,
- tētahi kōti o tāwāhi rānei, ā, nō muri ka whakamanahia taua whakahau i Aotearoa.

Mēnā ka tatū tētahi tonu adoption i te Kōti Whānau, ka whai i te tukanga adoption rāroto. Ka uaua ake pea tēnei tukanga mēnā he adoption whakawhiti whenua, i te mea he uaua pea mā te kōti te whai mōhiohio, te whakatūturu rānei i tōna tika. Nā tēnei ka uaua pea te whakatau mēnā he pai tēnei adoption mō te aronga o te tamaiti.

Ina tatū te adoption i tētahi kōti o tāwāhi, me whai i ngā tukanga me ngā ture o taua whenua. Ka aunoa pea te whakamanahia o taua adoption i Aotearoa ina tutuki ai i ētahi paearu. Nā tēnei e āhei ai ngā tāngata o Aotearoa ki te karo i ō tātou ture adoption rāroto, ā, he tūraru e

³ He whakaaetanga tō Aotearoa ki ēnei whenua: Tairana, Piripīni, Rituānia, Īnia, Haina, Hong Kong, me Hiri.

kore pea ngā ture o ngā whenua o tāwāhi e hāngai ake ki ngā wawata o Aotearoa mō te tiaki i ngā mōtika o ngā tamariki. Ka tūruritia pea ngā mōtika, te aronga pai me te oranga o ngā tamariki i te kuhunga mai ki Aotearoa ina whakamanahia ēnei adoptions.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me panoni te āhua o te tatūtanga o ngā adoptions whakawhiti whenua i Aotearoa. Ka kitea ētahi atu taipitopito, tatū noa ki ngā kōwhiringa panoni me ngā pātai motuhake o ngā adoptions whakawhiti whenua i te whārangi 36 o te tuhinga matapakī.

Ngā adoptions rāroto i Aotearoa

I Aotearoa, ka whakahaeretia ngā adoptions rāroto e te Kōti Whānau o Aotearoa. I te wā e whai whakaarotia ana ēnei tono adoptions, me whakaae te Kōti Whānau, kua tutuki ētahi herenga.

Te Whakaaetanga

I tēnei wā ko tā te ture me whakaae ngā mātua me ngā kaitiaki o te tamaiti (e mōhiotia nei hoki ko te 'whakaaetanga') ki te adoption. Ko te tikanga i te nuinga o te wā, ko te whaea me te matua ake o te tamaiti.

Me whiwhi rawa te whakaaetanga o te whaea ake ki te adoption. Ka hiahiatia anake te whakaaetanga o te matua ake, mēnā ko ia te matua, kaitiaki ā-ture rānei o te tamaiti. Ehara i te mea me whakaae te tamaiti, ahakoa kua pakeke ia, ā, e taea ana e ia te whakaputa ōna whakaaro, wawata rānei. Ehara hoki i te mea me whakaae rawa te whānau whānui, te hapū te iwi rānei ki te adoption e tatū ai.

E hiahia ana mātou ki te rongō i ō whakaaro mō te hunga e tika ana kia whakaaetia tētahi adoption. Ka kitea ētahi atu taipitopito, tatū noa ki ngā kōwhiringa mō te panoni me ētahi atu pātai motuhake mō te hunga e tika ana kia whakaaetia tētahi adoption i te whārangi 39 o te tuhinga matapakī.

Te wā rite o te whakaaetanga me te tango i te whakaaetanga

E kī ana te ture, e kore e taea e te whaea ake te whakaae ki tētahi adoption kia 10 rā rā anō te pakeke o te tamaiti. E kī ana ngā taunakitanga ko tēnei wā poto i muri mai i te whānautanga, he wā whakaraerae mō te whaea whānau hou, ā, e kore pea e nui taua wā e whai whakaaro ai ia tana whakatau ki te adopt.

E kī ana te ture, i te wā e whakaae ana ngā mātua ake e rua ki tētahi adoption ki ētahi kaitono adoptive motuhake, e kore e taea e rāua te huri mahara (e mōhiotia nei ko te 'tango' i te whakaaetanga) i te wā e tukatukatia ana te tono, kia whai wahi wā tika rānei ngā kaitono adoptive ki te tono ki te adopt i tētahi tamaiti.

E hiahia ana mātou ki te rongō i ō whakaaro mō te wā tika e taea ai e ngā mātua ake te tuku whakaaetanga ki tētahi adoption. E hiahia ana hoki mātou ki te rongō i ō whakaaro ka aha mēnā ka hiahia tētahi matua ake ki te huri i ōna mahara me te tango i tōna whakaaetanga. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa mō te panoni me ētahi atu pātai motuhake o te wā rite me te tango whakaaetanga i te whārangi 40 o te tuhinga matapakī.

Te whakataha i te whakaaetanga

I ētahi wā, ka taea e te Kōti Whānau te whakatau e kore e hiahiatia tētahi whakaaetanga o tētahi, o ngā mātua ake e rua rānei. E mōhiotia ana tēnei ko te 'whakataha i te whakaaetanga'. Ina tonoa ai te whakataha i te whakaaetanga, ka taea anake e te Kōti mēnā:

1. I tūkinotia te tamaiti e te matua, kaitiaki rānei. Ko te tikanga o tēnei, kua whakarere, kua whakahāwea, kua kore rānei i ōrite te tiaki me te opeope, i rite rānei te takakino i te tamaiti,
2. mēnā rānei i whakatau te Kōti kāore te matua, te kaitiaki rānei i te tika ki te tiaki i te tamaiti nā tōna ngoikoretanga ā-tinana, ā-hinengaro rānei. Me wā roa tonu te kawenga o te ngoikoretanga ā-tinana, ā-hinengaro rānei.

I tātā ngā kaitautoko mōtika hauātanga i te wāhanga tuarua i te mea ka whakahāweatia ngā tāngata whaikaha me te hanga i tētahi pōhēhētanga mō te pai o te whakatipu tamariki a ngā tāngata whaikaha.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā ka taea e te Kōti Whānau te whakataha i te whakaaetanga ki tētahi adoption. Ina whakaae koe, e hiahia ana mātou ki te rongō i ō whakaaro hei āwhea taea ai te whakataha i te whakaaetanga. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa mō te panoni me ētahi atu pātai motuhake mō te whakataha i te whakaaetanga i te whārangi 42 o te tuhinga matapakī.

Te Huatau

Me huatau tonu ngā kaitono adoptive ki te adoption, arā me tāngata 'tōtika' rāua ki te tiaki i te tamaiti i ia rā, i ia rā. Kāore e whai wāhi ētahi paearu i roto i ngā ture o nāianehei hei whakatau he aha te tangata 'tōtika'.

Me tuku rawa tētahi kaitauwhiro, a Oranga Tamariki i te nuinga o te wā, i tētahi pūrongo ki te Kōti o te huatau o te kaitono i te nuinga o ngā kēhi adoption. Ka whakamahia ngā mōhiotio tautoko mō ngā kaitono ki te whakarite i te pūrongo. Ka uru ki tēnei ko te hāpono tuakiri, te tūnga manene, tūnga kainoho, kirirarau rānei, te arowhai pirihihana, manaaki me te tiaki hoki, ngā pūrongo hauora, arowhai kaitautoko me ngā arowhai wāhi noho.

Ina tae tētahi tono adoption ki te kōti, ka whai whakaarotia te pūrongo me ētahi atu āhuatanga whai pānga e te Kōti i te wā e whakatau ana mēnā e huatau ana te kaitono adoptive ki te adopt.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me whakatakoto te ture i ngā paearu o te hunga e huatau ana ki te adopt. Mēnā e whakaaro ana koe me uru ētahi paearu motuhake, e hiahia ana mātou ki te rongō i ō whakaaro mō te āhua o aua paearu. Ka kitea ētahi atu taipitopito tae atu ki ngā kōwhiringa mō te panoni me ētahi pātai motuhake mō te huatau i te whārangi 43 o te tuhinga matapakī.

Ngā tukanga Kōti

I te nuinga o te wā me whakatau te Kōti Whānau i tētahi whakahau wā poto (rangitahi) i mua o tana whakatau i tētahi whakahau adoption whakamutunga. Ina whakatauhia tētahi

whakahau wā poto, ka taea te tono tētahi whakahau whakamutunga e ono ki te 12 marama i muri mai. I te nuinga o ngā kēhi, ka tutuki tonu ngā whakahau adoption whakamutunga.

Mā ēnei whakahau wā poto e whai wāhi ai ngā mātua adoptive ki te wheako i te whakatipu i te tamaiti, ā, ka whai wāhi hoki a Oranga Tamariki ki te aroturuki i te adoption, e whakarite ai mēnā e whai hua ana te tamaiti. Engari, ka hua mai pea he ngākauruatanga i te wā e tatari ana ki te whakahau whakamutunga, ā, ka raru pea te hononga i waenganui i te tamaiti me ngā mātua adoptive.

E whakaaro ana ētahi he roa rawa te wā ki te whakatutuki i ngā tukanga o te kōti. He taumaha hoki te utu, i te mea i te nuinga o te wā me utu i te roia ki te whakaterere i te tukanga kōti, ki te tuku taunakitanga ki te Kōti, hoki. Nā te utu me te roa o te wā, e kore pea e taea e ētahi tāngata o Aotearoa, ētahi rōpū rānei te āheitanga ki te tukanga adoption.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me panoni ētahi āhukatanga o ngā momo whakahau hei whakatau mā te Kōti i ngā take adoption. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni me ētahi atu pātai motuhake o ngā tukanga kōti i te whārangi 45 o te tuhinga matapaki.

Te mana o te Kōti

I ngā kēhi adoption, he whāiti te mana o te Kōti Whānau ki te tono pūrongo, tohutohu rānei mai i ngā kaingaio. I raro i ētahi atu ture whānau, ka taea e te Kōti Whānau te tono pūrongo motuhake, tae atu ki ngā pūrongo ahurea, hauora, mātai hinengaro, hauora hinengaro rānei. Ko tā ēnei tūmomo pūrongo he tuku ki te Kōti ngā mōhiohio whānui hei āwhina i a ia ki te whakatau i ngā whakataunga whaimōhio. Ka taea hoki e te kōti te tohu rōia mā te tamaiti hei māngai mōna i ētahi atu kēhi ture whānau.

E hiahia ana mātou ki te mōhio mēnā ki ōu whakaaro e tika ana kia nui ake pea te mana o te Kōti ki te tono mōhiohio me ngā pūrongo hei āwhina i a ia ki āna whakataunga i roto i ngā kēhi adoption. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni me ētahi atu pātai mō te mana o te Kōti i te whārangi 45 o te tuhinga matapaki.

Pānga ā-ture

I raro i ngā ture o nāianeī, i te wā e adopted ana te tamaiti, kua whakakapīhia pūmautia, ā-turehia hoki te whānau ake e te whānau adoptive. Ka tangohia atu ngā mōtika ā-ture, ā-mātua hoki o ngā mātua ake, ā, riro aua mōtika i te tamaiti i ngā mātua adoptive.

Kāore te pānga ture o nāianeī e whakaata ana i te whakaritenga whānui o te wā nei o ngā adoptions 'raungāwari', i te mea ka huna tērā i te tauoranga o te whānau ake. E whakaatu ana ngā rangahau ka hua mai pea he pā mamaetanga ki te tamaiti me ētahi atu e whai pānga ana i te munatanga o ngā adoptions kati. Kāore hoki i hāngai ki ngā whakaritenga tikanga tuku iho te 'whakakapinga' o te whānau ake mā te adoption nei, ā, ka whakaarotia pea he takahi tikanga tēnei.

E hiahia ana mātou ki to rongō mai i a koe me pēhea kē te āhua o te pānga ā-ture o te adoption i Aotearoa. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni, mē ētahi atu pātai motuhake mō te pānga ā-ture o te adoption i te whārangi 47 o te tuhinga matapaki.

Ngā whakaritenga tiakanga kē, me ngā whakahau

Ko te adoption he huarahi pūmau o te panoni i ngā whakaritenga tiakanga mō te tamaiti ina kāore e taea e ngā mātua ake. Ko ētahi atu momo whakaritenga tiakanga, whakakahau hoki, pēnei i ngā whakahau kaitiakitanga, he ngāwari ake te pūmautanga o ngā pānga ā-ture ki ērā o te adoption, nō reira ka taea e te tamaiti te whai hononga tonu ki tōna whānau ake.

Ehara i te mea me whai kōwhiringa tiakanga anō te ture i te wā e whakatau ana me adopt i te tamaiti, kāore rānei. Kāore hoki he haumarutanga ā-ture mō te whānau ake kia mau tonu ai te pānga ki te tamaiti ina kua adopted. Kāore hoki e taea te uruhi ā-ture i ngā whakaaetanga whakapā i whakawhanaketia i te wā o te tukanga adoption.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me whai whakaaro ki ngā whakaritenga tiakanga kē, ngā whakahau whakapā rānei i ngā kēhi adoption, tae atu ki te wā mēnā i tutuki kē te whakahau adoption. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa mō te panoni me ētahi atu pātai motuhake o ngā whakaritenga tiakanga kē me ngā whakahau i te whārangi 49 o te tuhinga matapaki.

Te whakakore i te whakahau adoption

He whāiti noa ngā āhuetanga e taea ai te whakarerekē, te whakakore rānei i tētahi whakahau adoption whakamutunga. Hei tauira, ka taea te whakakore te whakahau adoption mēnā i tukuna he taunakitanga horihori ki te Kōti, i riro tāware mai, tinihanga mai, uruhi mai te whakaaetanga o ngā mātua ake. Ina whakakorehia tētahi whakahau, ka hoki te tamaiti hei tamaiti ā-ture o ōna mātua ake.

He uaua, ā, he nui hoki pea te utu o te whakakore i tētahi whakahau adoption. Me tuku rawa te Rōia Matua i te whakaaetanga ki te tono. I ētahi wā, he tika pea te whakakore i te whakahau hei tiaki i ngā aronga pai o te tangata. Hei tauira, ina whakangongotia, tūkinotia rānei, ā, ka tangohia mai i te tiakanga o ngā mātua adoptive. I tēnei wā kāore te ture e kī ka taea te whakakore tētahi whakahau i ēnei āhuetanga.

E hiahia ana mātou ki te rongō i ō whakaaro mō ngā wā e tika ana ki te whakakore i te whakahau adoption. Ka kitea ētahi atu taipitopito, tatū noa ki ngā kōwhiringa mō te panoni me ētahi atu pātai motuhake mō te whakakore i tētahi adoption, i te whārangi 51 o te tuhinga matapaki.

Ngā pānga o te adoption

Te Tuakiri me te adoption

He wāhanga nui te tuakiri o te oranga o te tangata. Mā te rongu tuakiri e mananawanui ake ai te tangata me tōna āhei ki te wete i ngā tāiro a Kupe. Ko te Kawenata Tamariki e tiaki ana i te mōtika o te tamaiti ki tōna tuakiri - ka uru ki tēnei tiakanga ko te mōtika ki tōna ingoa, tōna iwi me ōna here whānau.

He nui ngā taunakitanga e kī ana he uaua ki te tangata adopted te whakarite i tōna rongu tuakiritanga. Hei tauira, ka uaua pea ki a ia te tūhono atu ki tōna whakapapa, ahurea, whakapono, tōna reo rānei. Ka pāngia pea te whānau o te tangata kua adopted, me ngā whakatipurangai i muri mai.

He raungāwari te huhua o ngā adoptions i ēnei rā, otirā e whai whanaungatanga tonu ana te tamaiti, ngā mātua ake me ngā mātua adoptive. Engari, e herea ana te āhei o te tangata ki ngā mōhiohio o tōna tuakiri e te ture o nāiane.

Ko tētahi aronga matua o te whakahoutanga ture adoption, ko te whakarite i te tiakanga o ngā mōtika, te oranga me ngā aronga pai o te tamaiti, tatū noa ki tōna mōtika ki te tuakiritanga. Ka kitea ētahi atu mōhiohio mō te tuakiritanga me te adoption i te whārangi 53 o te tuhinga matapakī.

Ngā ratonga tautoko adoption

He nui ngā wā ka hiahia tautoko, mōhiohio hoki ngā tamariki, ngā tāngata pakeke ake kua adopted, ngā mātua adoptive, ngā mātua ake me te whānui whānui i te wā, i muri hoki i te adoption. I pēnei ai nā te mea ka nui pea ngā pānga hinengaro nui o te adoption ki te hunga whai pānga, ā, ka wheako i ngā wero haere ake, i muri i te tatūtanga o te adoption.

E whakarato ana a Oranga Tamariki i ētahi mōhiohio me te mātauranga i mua o te adoption, engari e whāiti noa ana ki Aotearoa ngā ratonga tautoko adoption, tae atu ki ngā tautoko i muri i te adoption. Kāore he here ā-ture mō ngā mōhiohio, tautoko haere ake rānei, ā, kāore i whakatahatia tētahi pūtea motuhake a te kāwanatanga mō te hunga e hiahia ana i ngā mōhiohio me ngā tautoko adoption.

E hiahia ana mātou ki te rongu i ō whakaaro o ngā momo tautoko hei whakarato ki te hunga e pāngia ana e te adoption, i mua, i muri hoki o te adoption. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni me ētahi atu pātai motuhake o ngā ratonga tautoko adoption i te whārangi 54 o te tuhinga matapakī.

Ngā tiwhikete whānautanga i muri i te adoption

E puritia ana ngā taipitopito o ia tangata i whānau mai i Aotearoa ki te Rēhita Whānautanga, tae atu ki ngā ingoa o ō ōna mātua ake. Ina adopted he tangata, ka katia tōna puringa whānautanga taketake, ā, ka hangaia tētahi puringa hou. Ka tukuna ngā tiwhikete

whānautanga e Te Tari Taiwhenua, e whakatakoto ana i ngā mōhiohio i runga i te puringa whānautanga.

E whakaatu ana ngā tiwhikete whānautanga i tukua i muri mai o te adoption, i te ingoa adoption o te tamaiti me ngā ingoa o ngā mātua adoptive, hāunga ngā ingoa o ngā mātua ake. E whakaata ana tēnei i te pānga ā-ture o te adoption me te whanaungatanga i hua mai i waenganui i ngā mātua adoptive me te tamaiti.

E hiahia ana mātou ki te rongō i ō whakaaro mō te āhua o te tiwhikete whānautanga i muri mai i te adoption o te tangata. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni me ētahi pātai motuhake ake mō ngā tiwhikete whānautanga i muri mai o te adoption, ka kitea i te whārangi 56 o te tuhinga matapakī.

Te āhei atu ki ngā mōhiohio adoption

He whāiti noa te āhei atu ki ngā puringa whānautanga taketake me ngā mōhiohio adoption i raro i ngā ture o Aotearoa. E puritia ana e Te Tari Taiwhenua ngā puringa whānautanga, ā, ka puritia e Oranga Tamariki, e te Kōti Whānau, ā, i ētahi wā, e ngā rōpū i waho ake o te kāwanatanga ētahi mōhiohio adoption whai pānga.

E kore e taea e te tangata kua adopted me ōna mātua ake te tono tētahi tiwhikete whānautanga taketake kia eke rā anō te tangata adopted ki te 20 tau te pakeke. E kore e taea e ētahi atu o te whānau te tono i ngā puringa whānautanga taketake e pā ana ki te adoption.

He pūnaha 'rāhui' tō Aotearoa mō ngā puringa whānautanga o te hunga i adopted i mua o te 1 o Poutūterangi 1986. Ko te tikanga o te rāhui e kore e taea te toha tiwhikete whānautanga taketake katoa ki te tangata e tono ana. Ka taea te whakatau rāhui e te tangata i adopted, e te matua ake rānei.

E hiahia ana mātou ki te rongō i ō whakaaro o te hunga tika e āhei ana ki ngā mōhiohio adoption, ā, me pēhea hoki te āhei atu. E hiahia hoki ana mātou ki te rongō i ō whakaaro mō te pūnaha rāhui i Aotearoa. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni me ētahi atu pātai motuhake mō te āheinga ki ngā mōhiohio adoption, i te whārangi 57 o te tuhinga matapakī.

Kōpū adoption me te tukanga adoption

Ko te kōpū adoption he whakaritenga i te wā e whakaae ana tētahi wahine kia hapū ia, me te kawē, whakawhānau hoki i te tamaiti hei tuku i te haepapa whakatipu i te tamaiti ki (t)ētahi ātu i muri i te whānautanga. Ko te wahine e whakaae ana kia hapū ia me te kawē, whakawhānau hoki i te tamaiti e kīia ana he kōpū adoption. Ko te tangata(tāngata) ka uru ki tētahi whakaaetanga kōpū adoption me tētahi wahine kia hapū ia, kia kawea, kia whakawhānautia hoki he tamaiti māna, e kīia ana he matua(mātua) koronga.

Ko te adoption anake te huarahi e taea ai e ngā mātua koronga te noho hei mātua ā-ture o te tamaiti i whānau kōpū whānau mai. Ka tirohia e te arotakenga ture adoption ngā huarahi ki te whakapai ake i te tukanga adoption i te wā ka whānau kōpū adoption mai te tamaiti. Ko ngā panonitanga ka hua mai i te whakahoutanga ture adoption, ka whai pānga hoki ki ngā adoption o ngā tamariki i whānau mai i te kōpū adoption. Hei tauira, mēnā ka panonitia ngā herenga whakaaetanga, ka roa ake pea te tukanga adoption.

I tono te Kāwanatanga ki Te Aka Matua o te Ture, te rōpū motuhake o Aotearoa mō te whakahou ture, kia whakahaeretia tētahi arotake whānui o te kōpū adoption me ngā take e whai pānga ana. E tiro ana Te Aka Matua o te Ture ki ngā pātai whānui e pā ana ki te kōpū adoption, otirā me te whakaaro ki te whakarite tukanga rerekē i te adoption mō ngā mātua koronga kia noho hei mātua ā-ture o te tamaiti i whānau kōpū adoption mai, ā me pēhea hoki e whakarato te ture mō ngā whakaritenga kōpū adoption ā-ao. Ka kitea ngā mōhiotanga o ngā mahi a Te Aka Matua o te Ture i konei: www.surrogacyreview.nz/. Ka kitea ētahi atu taipitopito kōpū adoption i te whārangi 61 o te tuhinga matapakī.

Ngā whakaritenga kōpū adoption rāroto

Ko te kōpū adoption rāroto he nōhanga o te wahine kōpū adoption me ngā mātua koronga i te whenua kotahi. I Aotearoa, ina hiahia āwhina ngā tāngata mai i te whare haumanu matahaua, me whakaae rawa te whakaritenga kōpū adoption e te Komiti Matatika o te Hangarau Āwhina Taiaroaro ('ECART'). Ko ngā kōpū adoption i whakaritea tūmataititia kāore i āwhinatia e te whare haumanu matahaua, e kore e mateatia te whakaaetanga ECART.

He ruarua noa ngā mōhiotanga e wātea ana mō te tukanga adoption, tae atu ki ngā aromatawai e whai pānga ana, mā ngā tāngata e whai whakaaro ana ki ngā whakaritenga kōpū adoption. Nā tēnei ka uaua mā ngā rōpū e whakauru ana ki te whai māramatanga mō ō rātou mōtika me ngā haepapa. Nā te mea me whiwhi whakaaetanga mō te ECART me te tukanga adoption, ka mate ngā mātua koronga ki te mahi i ētahi atu aromatawai hei whakatūturu i tō rātou māraurautanga me te huatautanga ki te adoption. Nā te nui o ngā aromatawai ka nui ake te wā me te utu ki te tukanga.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me panoni ētahi wāhanga o te tukanga adoption i te wā ka whānau mai te tamaiti i te kōpū adoption rāroto. Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni me ētahi atu pātai motuhake mō te tukanga adoption i te wā ka kōpū adoption rāroto te tamaiti, i te whārangi 62 o te tuhinga matapakī.

Ngā whakaritenga kōpū adoption ā-ao

Ka hiahia pea ētahi tāngata ki ngā whakaritenga kōpū adoption ki tētahi kōpū adoption e noho ana i tāwāhi. E mōhiotia ana ēnei whakaritenga hei whakaritenga kōpū adoption ā-ao. E kī tonu ana te ture o Aotearoa me adopted tonutia te tamaiti i whānau mai i te kōpū adoption ā-ao e ngā mātua koronga, kia noho ko rāua tonu ngā mātua ā-ture o te tamaiti. Ka taea te whakatutuki te adoption i Aotearoa, i tētahi whenua i tāwāhi rānei.

He uaua ake ngā kēhi kōpū adoption ā-ao i ngā mea rāroto. Pērā ki te kōpū adoption rāroto, he itiiti noa ngā mōhiotanga e wātea ana mō te tukanga kōpū adoption ā-ao.

E hiahia ana mātou ki te rongō i ō whakaaro mēnā me panoni ētahi wāhanga o te tukanga adoption i te wā ka whānau mai te tamaiti mā te kōpū adoption ā-ao.

Ka kitea ētahi atu taipitopito, tae atu ki ngā kōwhiringa panoni me ētahi atu pātai motuhake o te tukanga adoption i te wā ka whānau mai te tamaiti mā te kōpū adoption ā-ao i te whārangi 64 o te tuhinga matapakī.

**Ministry of Justice
Te Tāhū o te Ture**

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