

# Applying for Access to Court Adoption Records under S23 (3) (b) (iii) Adoption Act 1955

Section 23 of the Adoption Act 1955 restricts access to the Court's adoption records and outlines when these records can be opened for inspection and/or production. A court adoption record can be opened and inspected when a Judge determines that there is a special ground for granting access – under S23 (3) (b) (iii) Adoption Act 1955.

An application to seek information from a court adoption record on the basis of a special ground may therefore be appropriate for:

- Birth parents, adoptive parents, or adopted people who are the actual parties to the adoption and who are seeking particular information and/or documents which may be contained in these records.
- Extended birth family members who have a relative placed for adoption and who are seeking access to their relative's adoption details in order to search for and make contact with them.
- Extended birth family who have a relative placed for adoption and who are seeking their relative's adoption details for family history reasons.

## Process

A Judge must decide that a special ground exists before granting any access to the court adoption record. The steps are:

1. The court adoption record needs to be located and requested from the particular court that made the original adoption order. It can take some time for the Court to obtain these, particularly if you do not know which Court dealt with the original adoption proceedings.
2. Once the record has been located, a social worker is usually asked by the Judge to review the record and provide a report on your application. The purpose of this report is to assist the Judge in their decision making. The social worker may contact you to clarify the issues involved or to gather more information about your application, if needed.



3. The Judge will then decide whether special grounds exist to grant access to the Court record. The Judge will also decide on the form of access (ie. viewing, photocopies of particular documents, or the whole record.) The Court will advise you of this outcome.

## Application Procedure

You can make this application yourself and there is no fee involved. You must apply in writing. This needs to be forwarded to the Family Court closest to where you live, by email, pre-paid post, courier, or delivered in person.



Your application needs to include:

- As many of the birth and adoption details of the adopted person as you know.
- In regard to your special grounds, you need to explain what information you are seeking, the reasons for this application, and why this is important to you.
- Any relevant background information.
- Any relevant documentation to support and evidence your application. This may include a pre-adoptive birth certificate, birth and death certificates, and marriage certificates to evidence your relationship to the person you are seeking information about.
- Whether you are seeking copies or certification of particular documents.

## Support

Please contact your local Adoption Service office if you have questions about this process or need assistance with completing your application.

Our freephone number is 0508 326 459.

Adoption Service  
Oranga Tamariki—Ministry for Children  
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