



PRINCIPAL FAMILY COURT JUDGE FOR NEW ZEALAND

TE KAIWHAKAWĀ MATUA O TE KŌTI WHĀNAU

Judge Jacquelyn Moran

25 August 2020

Media statement from the Principal Family Court Judge

Streamlined Process for COVID-delayed Surrogacy Babies

The Family Court has established a streamlined adoption-application process for families expecting babies through overseas-based surrogates after the COVID-19 pandemic threw their future into doubt.

The Principal Family Court Judge, Judge Jacquelyn Moran, has issued a [COVID-19 Protocol](#) for the Adoption of New Zealand Surrogate Babies Born Overseas after being alerted to the plight of a number of parents who have babies due to be born in the next six months.

Usually in these cases, an overseas passport is issued for a baby in the country where they are born and - after DNA testing - a New Zealand visitor visa is issued for the baby by the Immigration Minister. When the baby arrives in New Zealand, the New Zealand parents file for adoption in the Family Court and, if successful, a New Zealand passport is issued for their baby, which may take six to nine months.

However, Judge Moran says because of the pandemic some countries are struggling to issue passports in a timely way. This has the potential to result in surrogate babies being unable to travel to New Zealand with their parents. Although the number of families involved is relatively small, it is important the Family Court is flexible enough to meet the needs of our most vulnerable, she says.

“Babies don’t wait, and to complicate things the New Zealand parents may be in a foreign country on a time restricted visa waiting indefinitely for a birth certificate or passport for their new baby,” Judge Moran said.

After consulting the Ministry of Justice and the other agencies involved in administering international surrogacy and adoption, the Family Court has designed a temporary streamlined pathway using remote participation such as AVL hearings so these adoption applications can be safely dealt with more quickly.

“Where certain criteria are met, this will enable an adoption order to be issued while the parents and baby are overseas, conferring New Zealand citizenship on the babies, and a New Zealand passport can be issued,” Judge Moran said.

The Adoption Act 1955 already permits an adoption application to be considered when the applicants and baby are not in New Zealand. The new process introduces electronic filing, a streamlined registry process, a maximum six-week timeframe for hearings and two dedicated judges, Judge Belinda Pidwell in Waitakere Family Court for the central and northern regions and Judge Mary O’Dwyer in Wellington Family Court for the lower north and southern regions.

More detail about how the streamlined application process will operate can be found on the [District Court website](#).

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