

**NOTE: PURSUANT TO S 22A OF THE ADOPTION ACT 1955, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B TO 11D OF THE FAMILY COURTS ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE [HTTP://WWW.JUSTICE.GOVT.NZ/COURTS/FAMILY-COURT/LEGISLATION/RESTRICTIONS-ON-PUBLICATIONS](http://www.justice.govt.nz/courts/family-court/legislation/restrictions-on-publications).**

**IN THE FAMILY COURT  
AT TE KUITI**

**FAM-2015-073-000019  
[2016] NZFC 2890**

IN THE MATTER OF      THE ADOPTION ACT 1955

BETWEEN                      JOE WALLACE  
   EVELYN WALLACE  
   Applicants

Hearing:                      7 April 2016

Appearances:                R Swarbrick for the Applicant

Judgment:                    7 April 2016

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**ORAL JUDGMENT OF JUDGE R H RIDDELL**

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[1] This is an application by Joe and Evelyn Wallace to adopt Jason and Mitch. The two boys are the biological sons of Mrs Wallace. Mr Wallace has been in their lives for so long that they know him as their father and for them today really only makes one difference if I make an adoption order. The one difference is that legally they can now be known as Wallace.

[2] The boys are in Court and at first I did not make the order because it had not been clearly explained to them what adoption was. I stood it down for them to have that discussion with their parents and they have duly done so. They have come back into Court. They are probably looking around wondering what difference all this is going to make in their lives but this is an application which has had a social worker look through the application and comment in a very comprehensive manner.

[3] Normally an interim order is made to begin with and a final order is made at some point six months later but under s 5 Adoption Act 1955 the Court does have the right to make an adoption order immediately if there are special circumstances which justify that and the special circumstances in my view are these.

- (a) These boys have known Mr Wallace as their father now for a very long time.
- (b) There is consent to the making of an order.
- (c) With the making of an order both boys will be able to be known legally as Wallace. They can apply for a passport in that name. They can be known by that name at school and anywhere else if they are not already and I think the time has clearly come.

[4] Accordingly, I now make an adoption order for Mitch born [date deleted] 2006 and Jason born [date deleted] 2004. Both boys are adopted by Evelyn and Joe Wallace and that order is a final adoption order in the circumstances of the case.

R H Riddell  
Family Court Judge