

New Family Court Covid-19 Protocol for the Adoption of New Zealand Surrogate Babies born overseas.

On 20 August Principal Family Court Judge Moran issued the [Family Court Protocol for the Adoption of New Zealand Surrogate Babies Born Overseas](#).

The protocol has been issued as there are a known number of babies currently growing in utero of overseas surrogates for births commissioned by New Zealand citizen or resident visa holder parents. There are likely to be further babies who are not yet known about.

Due to the consequences of the outbreak of COVID-19 it is not always possible to obtain, in a timely manner, a passport from the issuing authority in the child's country of birth. This has the potential to result in surrogate babies being unable to travel to New Zealand with their commissioning parents.

For those babies where COVID-19-related delays in issuing documentation in the overseas country are present, with the use of AVL/VMR and electronic filing, together with a streamlined registry process and the use of specific judges to oversee this work, the applications can be determined remotely.

This will enable those affected babies in international surrogacy cases to be adopted by their commissioning parents and to consequently receive New Zealand citizenship by descent and a New Zealand passport prior to travelling to New Zealand. No Ministerial request for a visitor visa will be required.

It is not intended that this protocol will undermine or replace the existing framework under which the New Zealand government manages international surrogacies. This protocol instead aims to provide a temporary, targeted response to the specific issue of the inability to obtain a passport in the country of the baby's birth.

Applicants who meet the above criteria will be able to apply for adoption orders remotely under section 3(1) of the Adoption Act.

The protocol will be in operation until 1 March 2021. It will then be reviewed to assess its functioning, including a consideration of the ongoing necessity for remote determinations if there are no longer difficulties in obtaining a passport in the country of the baby's birth.

Resources:

New Family Court Protocol for the Adoption of New Zealand Surrogate Babies born overseas <
<https://www.courtsofnz.govt.nz/publications/announcements/covid-19/court-protocols/district-court/family-court-protocol-for-the-adoption-of-new-zealand-surrogate-babies-born-overseas/>>

Covid turmoil stops parents reaching overseas surrogate babies
<<https://www.rnz.co.nz/news/national/425509/covid-turmoil-stops-parents-reaching-overseas-surrogate-babies>>