

Summary of feedback on Adoption in Aotearoa New Zealand: Discussion document

1. The discussion document *Adoption in Aotearoa New Zealand* was released on 18 June 2021. The document described the current adoption law and some of the problems with it. It also suggested some ideas for addressing those problems and sought the views of people on a range of questions. The introduction to the discussion document noted that:
 - the ideas set out in the document are not the only ones the Government would consider
 - the Government has not made decisions on what new adoption laws would look like and that we wanted to hear the views of the public
 - these views would help us to advise the Government on proposals for reform.
2. Public consultation and targeted engagement were carried out from 18 June 2021. Public consultation closed on 31 August. Targeted engagement continued until December 2021, due to delays caused by the Covid-19 outbreak.
3. We received 271 written submissions and met with 27 individuals and groups with an interest in adoption law reform. We commissioned an external provider, MartinJenkins & Associates Limited, to carry out bespoke engagement with Māori individuals, the Samoan community and young people impacted by adoption, as we were aware it would be difficult to identify people with experience of adoption within these groups, and people may not be comfortable talking directly to Ministry of Justice officials.
4. The feedback we received falls into two groups:
 - a. feedback on broad themes relating to adoption – feedback that took a wider view than the questions set out in the discussion document and either addressed matters not covered in the discussion document or responded broadly to related issues
 - b. feedback on questions in the discussion document – feedback relating to the questions set out in the discussion document on specific issues and potential options for change.
5. The key themes of the feedback falling into these two groups are summarised below. Quotes from written submissions are provided to illustrate the key themes we heard during the engagement process.

Feedback on broad themes related to adoption

Most people felt adoption has caused harm and needs change

6. The vast majority of the people we heard from felt adoption has caused harm to many of those who have been adopted or placed children for adoption. Almost all of the people we heard from thought the adoption regime required change, and many felt that more should be done to ensure children's rights are protected.
7. Comments about the harms of adoption appeared predominantly to relate to past, closed adoptions.

“In my work as a coach and counsellor to adopted people grief, loss and low self-worth erode their wellbeing and limit their ability to live life well. Adoption related issues permeate their relationships and perception of their Self and worth. Birth parents have unresolved guilt and pain that often shapes their lives in negative ways for decades” - adopted person and professional

8. Younger people, who were more likely to experience 'open' adoption, still reported challenges, but generally had more positive experiences and shared views about the benefits of adoption.

A group of people thought adoption should be discontinued

9. We also heard from some people that adoption should be discontinued as they consider it is not in the best interests of the child. This was a very strongly held view, which we heard from some people with experience of adoption, and prominent organisations. Some suggested that adoption be replaced with a form of long-term guardianship. We are not certain about the overall level of support for the suggestion of discontinuing adoption, as it was not included as an option for consideration in the discussion document.

"I am anti-adoption in the current legal context. Should be permanent legal guardianship" - adopted person

"We believe the practice of adoption would be better reflected by a phrase such as "permanent parenting order", "lifelong parental status order" or "child status order" – adoption law reform organisation

"Alternative court orders already exist (under CoCa, OT, Immigration Acts) and these should be the only laws utilised by the courts when it comes to the care of children. Because there is no need for adoption in order to meet the needs of the child/ren involved, therefore adoption should be abolished." - child of adopted person

10. This perspective was also put forward by the Family Court Judges' submission. They suggested that consideration could be given to the option of removing the term "adoption" from the statute books and replacing it with a new process under the Care of Children Act 2004 (COCA) involving the Family Court making a declaration of permanent parenting.

A group of people thought past harms need to be addressed

11. Some people we heard from sought an apology from the Government for past adoption practices.

"The Crown also needs to consider a public apology to those who have lived with the impact of closed stranger adoptions, and those who had their children taken by force (or under coercion)" - adopted person

12. We note that past adoption practices are explicitly outside the scope of the adoption law reform process, which is guided by six key objectives agreed by you in November 2020 and noted by Cabinet in February 2021 [CBC-21-MIN-0018 refers].
13. Adoption placements are part of the terms of reference for the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions ("the Royal Commission"). Cabinet noted that, should the Royal Commission not make findings in its final report in relation to past adoption practices, including forced adoptions, you will consider alternative responses at that time. [CAB-21-MIN-0013 refers].

Most people thought adoption should focus on children's rights

14. Most people we heard from agreed that adoption should serve the child and be in the child's best interests. Concepts centred around the needs of the child, including stability, security, wellbeing, long-term care, providing a family when birth family cannot care for a

child, and providing for connection to whānau and legal recognition were frequently raised.

15. Other potential reasons for adoption, such as family-building, recognising step-parent relationships and surrogacy, were rejected by many as being for the benefit of people other than the child.
16. The Human Rights Commission and Office of the Children's Commissioner submitted that children's rights should be the paramount consideration and that the rights of children, as defined in various international human rights treaties, including the United Nations Convention on the Rights of the Child (UNCRC), should be considered in all matters relating to adoption.

"The legislation should be grounded in human rights through:

Affirming the paramountcy principle of the best interests of the child in guiding all matters relating to adoption in accordance with the UNCRC" – Human Rights Commission

17. These aspects of children's rights were addressed in many of the submissions we received, as set out in more detail below.

Right to identity and maintaining connections with birth family/whānau

18. Almost all people thought the legal effect of adoption, which deems the child to be the child of their adopted parents and severs relationships with their birth parents, should be changed. They spoke of the importance of creating new relationships rather than severing existing ones. It was argued that this would help preserve the child's identity and protect their right to know who their birth parents are by allowing for connections to be maintained and recognised. This was a particular concern for Māori submitters, in order to maintain the whakapapa link between the birth whānau and the adopted whānau.

"A person unable to live with the natural family should not have to further suffer through the legal severing of their identity. This is a huge price to pay for family dysfunction, as the severance affects not just the child but also the lives of all their descendants". – adopted person

19. This sentiment was linked by many people with the concept of open adoptions, with ongoing contact between birth parents and adopted children. We heard suggestions that openness could be provided by formal contact orders agreed at the time of adoption.

"If there is simply no other option, but it must be open adoption and the law needs to be changed around this so if the birth parents wish to see the child they have legal rights" – adopted person

Right to information

20. We heard from most people that access to information is a fundamental human right and that the presumption should be for openness rather than secrecy. Many people thought automatic and timely information about all aspects of an adoption, the identity and health records of birth parents should be available to adopted people without any restrictions.
21. There was a mix of opinion on whether any restrictions on information should remain. Some wanted all restrictions removed, whereas a few expressed a preference for an age restriction to remain but to be lowered from the current age of 20, with some suggesting 18 and others supporting the provision of age-appropriate information to younger children.

22. One organisation said they see the government as being the kaitiaki of information, but not gatekeepers who stop people accessing information.

Right to maintain culture

23. Of the people who talked about culture, almost all we engaged with mentioned its importance for the adopted person and the harms faced by adopted people who had lost connection to their birth culture. Most people we spoke to on this subject highlighted that it should be the responsibility of adoptive parents to put effort into helping the adopted person to connect to their culture and that there is a need for support from government to enable this.

24. Almost all people we spoke to about culture thought consideration of culture as part of the adoption process is part of the Crown's obligation to Māori under te Tiriti o Waitangi.

25. In relation to intercountry and overseas adoptions, those we engaged with highlighted the harmful impacts of cross-cultural adoption on the child. They raised some concerns with maintaining connection to culture, if adoptive parents were of a different culture. A few people cautioned against an approach to cultural consideration that focussed on domestic adoptions without also providing support for intercountry adopters and adoptees. Some people thought these risks could be mitigated with ongoing support for adoptive parents to help foster cultural ties.

"A child's language and culture are important to their identity and therefore their sense of well-being and belonging. These should have a high degree of importance placed on them in the course of adoption proceedings. The child's right to their cultural identity should be upheld and advanced" – Māori organisation

Right to participation

26. Around half the people we engaged with overall commented on the right to participation, and around half of the written submissions on this point considered the child should have a reasonable opportunity to participate within the adoption process. We heard that the feelings and perspective of the child should be a primary consideration for decisions about the adoption and their best interests.

27. Some expressed concern about children who were too young to participate, and a common theme was that the child should be represented in the process by an advocate or supported by a third-party (a skilled health professional to ensure the wellbeing of a child or a social worker or child psychologist to assist the child in expressing their views).

"Children should be assisted to participate to the full extent of their abilities (taking into account age and experience). Children's voice should be heard by the court as directly as possible – preferably not just through summarised social worker or lawyer's reports – birth mother

28. We heard from a few people who spoke about participation that legally enshrining the right for a child to participate would ensure that it would be applied consistently. Additionally, it was argued that it would better allow New Zealand to recognise the rights of children as set out in international law, particularly the Children's Convention.

People thought adoption should take a life-course view and support should be provided

29. Of the people who commented on information and support, almost all supported changes being made to the information and support given to people before, during and after adoption. We heard about the challenging and complex psychological effects that being adopted had on the mental health of adopted people. These difficulties changed over

time, at various points in their childhood and teenage years and some people identified that they expect to come up against further triggers in the future, particularly if or when they have their own children.

30. A few adopted people noted that they have had to pay for counselling in their lives due to the issues associated with being adopted, or they explicitly mentioned how helpful counselling would have been for them. Around half of people who commented on this issue said that support services for adopted people should be funded by the government.
31. We heard that young adopted people want access to specialised adoption services that include therapy, guidance, cultural programmes and support groups. Members of the Samoan community expressed the need for curated services that can support the transition of a young person to a new way of life, such as access to educational and training pathways.

“Every adoption has a huge impact on a number of people, and in the past with closed adoption this was not recognised or talked about. It is a life-long issue, so people need information and support not just at the time of placement but for decades to come as life's events trigger memories and grief” - adoptive parent and professional

Feedback on questions in discussion document

Te Tiriti o Waitangi – The Treaty of Waitangi (Adoption in Aotearoa discussion document p. 9)

32. Almost half of the people we engaged with spoke about te Tiriti o Waitangi, and almost all (Māori and non-Māori) considered that the Government had obligations to Māori under te Tiriti with regard to adoption. We heard that:
- a. the Crown should acknowledge the past harm caused by breaches of te Tiriti in adoption law and practice
 - b. te Tiriti requires a partnership approach to adoption policymaking and allowing processes for rangatiratanga
 - c. Tiriti-consistent adoption processes would require significant changes to allow adoption laws to respect the inalienability of whakapapa, the centrality of whānau, hapū and iwi, the rights of adopted persons to their whakapapa and the importance of culture.

“Many of us lost our Iwi, Hapū and whānau with its own culture, dialect, blood ties, Tikanga, various marae, whenua and waterways that provided the pillar of strength in Tikanga and Te reo to all Whānau links. The blood Whānau we never met who have passed on...The maternal and paternal grandparents and whānau who were alive when we were brought into this world and never got the opportunity to meet”- adopted person (Māori)

33. Some people proposed any new adoption legislation should include a specific “Treaty clause” obliging decision-makers to give effect to te Tiriti when making decisions about adoption for tamariki Māori. The New Zealand Law Society and a number of other submissions proposed that the principles of te Tiriti be incorporated into adoption legislation in a similar way to the Oranga Tamariki Act 1989 (section 7AA).

Purpose of adoption (Adoption in Aotearoa discussion document p. 12)

34. Around half the people we engaged with talked about the purpose of adoption, with most saying that adoption should be in the best interests of the child. There were mixed views

about the extent to which a purpose should be expressed in legislation. Most who talked about whether purpose should be in legislation argued that providing explicit purpose(s) would provide guidance for the courts to meet the best interests of the child. However, a few did not support a prescriptive purpose statement as they felt the reasons for adoption can be varied and there needs to be flexibility.

35. Most resonated with the concepts of stability, security, wellbeing, long-term care, providing a family when birth family cannot care for child, connection to whānau and legal recognition. Bringing children to New Zealand or out of poverty resonated less, as some people felt this is not in the child's best interest, but more about family building.

Who should be able to be adopted? (Adoption in Aotearoa discussion document p. 16)

36. Almost half of the people we engaged with talked about who can be adopted. Almost all of them noted a need for change from the status quo (currently, people can only be adopted up until the age of 20 years), stating that adoption law should align with other aspects of family law (change the age to 16 or 18) or that the age should be removed altogether.
37. Arguments for aligning the age of an adult with other aspects of family law were that once a person is over the age of 18, or 16 in some cases, they have gained the independence and autonomy to be able to make their own decisions. A few advocated to remove the age altogether indicating that those in their young adult stages still had a need for belonging and support that adoption would provide. It was suggested that adult adoption (for those over a certain age) should have a different name and process to signal that the adoptee would need to request, or at least consent, to the adoption.
38. We did not hear a clear consensus about the maximum age at which a person can be adopted, or whether there should be an age restriction at all. There was little support for the status quo with only a couple of people agreeing with the current 20-year age limit.

Children's rights in the adoption process (Adoption in Aotearoa discussion document p. 16)

39. Feedback relating to the specific questions about children's rights is covered in paragraphs 14-17 of the section above setting out feedback on broad themes.

Birth parents' role in the adoption process (Adoption in Aotearoa discussion document p. 18)

40. We heard from almost half of people about the role of birth parents. Almost all supported birth parents having a right to participate in the adoption process. This view was usually supported by those that were adopted, birth parents and adoptive parents alike. The main reasons highlighted were that it is the birth parents' right to be involved, that participation will help inform what is in the child's best interests and help birth parents to deal with the effects of placing a child for adoption.
41. Almost half of the people who commented highlighted that there will be instances when birth father's involvement would be inappropriate, such as when there are safety concerns.

Who can adopt/Suitability to adopt (Adoption in Aotearoa discussion document p. 20 and 45)

42. Almost half of the people we engaged with spoke about suitability and eligibility to adopt. Most of them supported changes to the current eligibility criteria in the Adoption Act.
43. Most agreed with the removal of eligibility criteria based on sex (single males are currently unable to adopt a female child) and marital status (non-married couples being

unable to apply jointly to adopt). Arguments for removal of the criteria highlighted their discriminatory nature, and the likelihood that they could prevent adoptions which might be in the best interests of the child. Views were not as clear in terms of whether an age criterion should remain.

44. There was a range of views on whether there should be a presumption against step-parent adoptions. The Family Court Judges held the view that step-parent adoptions should no longer occur. Many people who had been adopted did not favour step-parent adoptions, while most adoptive parents submitted in support of them. Arguments in favour of step-parent adoptions included that adoption provided stability to a child and recognised the role a step-parent could play where a natural parent was absent, while counter-arguments considered the severing of a child's links to their natural parent to be wrong, and that guardianship orders provided a sufficient role for a step-parent in a step-child's life.

Birth family and whānau (Adoption in Aotearoa discussion document p. 23)

45. Around a third of the people we engaged with spoke about birth family and whānau involvement in the adoption process. Of these, most supported some form of wider family or whānau involvement in the adoption process. There were many reasons highlighted, including; the ability to explore alternative care arrangements within the family/whānau, to assist the Court to make decisions in the child's best interests, and to help maintain connection to a child's family/whānau, culture and identity.
46. Those who did not support whānau involvement often highlighted that in some circumstances it may be inappropriate to involve the wider family/whānau, often citing safety concerns.

Government, the Court and accredited bodies (Adoption in Aotearoa discussion document p. 25)

47. Around a third of the people we engaged with spoke about the role of government, the Court and accredited bodies. Most of them considered that some government role in oversight of the adoption process was necessary to monitor the safety of adoption placements and to provide legal recognition for adoptive parents' rights to day to day care. This view was also reflected by a few who did not favour "private" adoption arrangements, which come to the Court without previous Oranga Tamariki assessment. However, many of those we engaged with considered that Oranga Tamariki were the wrong agency to hold ongoing Government responsibility for adoption services, largely due to their role in the care and protection space, or that they are seen to be biased.
48. Almost all the people we engaged with also agreed the Government's current handling of access to adult adoptees' information should be overhauled, in favour of a minimal Government role.

Culture and adoption (Adoption in Aotearoa discussion document p. 27)

49. We heard from around a third of people about the importance of culture for the adopted person and the harms faced by adopted people who had lost connection to their birth culture. Along with the broad themes relating to culture, covered in paragraphs 23-25 above, we heard different views surrounding the legitimacy of cross-cultural adoption placements, with strong views expressed for and against these placements.
50. Those who did not favour cross-cultural adoptions considered that it deprived adopted people of their right to involvement with their culture. They argued that despite the best efforts of cross-cultural adoptive parents, they would never be able to give an adopted child the grounding in culture that a "same culture" adoptive parent could provide. Those who supported cross-cultural adoptions argued that cultural connection should be

considered as one factor in the child's best interests, alongside the overall environment of stability, continuity and care that a permanent adoptive placement could provide in comparison to non-permanent alternatives. These submitters argued that too strong a presumption against cross-cultural placements could potentially result in adoptions which would be in the best interests of the children involved being prevented.

Whāngai (*Adoption in Aotearoa discussion document p. 29*)

51. Around a third of the people who submitted online spoke about whāngai, as well as some individuals and groups we engaged with (although we only heard from one iwi on this topic).. Most of those we spoke to who had personal experience with whāngai considered the lack of recognition of whāngai in law can cause practical barriers to mātua whāngai (whāngai parents) accessing government support and performing the normal roles of day-to-day care, such as accessing government assistance, enrolling a child in school, or accessing medical treatment. On the other hand, no clear view was expressed as to whether it was appropriate to legally recognise the practice of whāngai.
52. Many of those who commented on whāngai raised that section 19 of the Adoption Act, which states that Māori customary adoptions/whāngai do not have legal effect, should be repealed. We heard that clause 19 means that, in law, that no Māori person is capable of practicing their own tikanga with regard to whāngai and that this is a breach of Article Two of te Tiriti.
53. We also heard concern over the dangers of the Crown/ Government attempting to define or place controls around whāngai practice. Almost all of those who commented on whāngai stated it was a matter for Māori to hold autonomy or tino rangatiratanga over, and noted that legal recognition of whāngai should only happen with guidance from Māori and at the request of Māori.

“Whāngai needs to be legally recognised as the most appropriate care of children by whānau members. But this cannot be managed by the government, this must be governed by the iwi/hapū of the child. There cannot be any criteria imposed by the government of what is and is not whāngai” – adopted person (Māori)

Customary adoptions (*Adoption in Aotearoa discussion document p. 31*)

54. We deliberately separated discussion of whāngai from discussion of other customary adoptions.
55. Only a few people who made written submissions had any personal knowledge of customary adoptions. We know that the majority of customary adoptions occur in Pacific communities, but very few submitters self-identified as Pacific peoples. Many of those we spoke to acknowledged their lack of knowledge on this topic.
56. In our targeted engagement with ethnic communities, we heard that some cultures utilise different care arrangements within their families, and that these arrangements can be used for many reasons, including when family cannot look after child, for access to better opportunities, or to provide an infertile member of family with a child. Participants did not raise the lack of recognition of their customary adoptions as causing issues.

Overseas and intercountry adoptions (*Adoption in Aotearoa discussion document pp. 34, and 36-38*)

57. Around a third of the people we engaged spoke about overseas and intercountry adoption. We heard that intercountry adoptions happen for a wide range of reasons. For example, intercountry adoptions from Samoa are driven by cultural values, access to education and employment in New Zealand, and family circumstances (such as the death of a biological parent).

58. Most people supported establishing effective safeguards to ensure the safety of children in intercountry adoptions. Although there were mixed views about how these safeguards should be established, there was support for the processes used under the Hague Convention, or equivalent safeguards being established for all intercountry adoptions.
59. There were strong views among a few who thought that all intercountry adoptions should be prohibited. This view was more likely to be held by those that were adopted.

Consent, withdrawing consent and dispensing with consent (*Adoption in Aotearoa discussion document pp. 40, 42-43*)

60. Around a third of the people we engaged with spoke about consent, withdrawing consent and dispensing with consent. Of these people, almost all thought that both birth parents should have to provide consent to an adoption, unless it is inappropriate or impractical for them to do so. The decision to consent to an adoption is a difficult one for birth parents. People we engaged with felt that allowing more time (or providing an opportunity to withdraw consent) would allow for more consideration to be given but they acknowledged this may increase difficulties for the adoptive family and child.
61. Most people we heard from felt that the child should consent if they are of an appropriate age or maturity level to do so. If they are too young, their participation should be encouraged. Most people argued for children to be represented by an appropriate advocate who could speak on their behalf if they were not young enough to do so.
62. We heard from most people that consent should only be dispensed with in rare circumstances, and not on the basis of disability or mental impairment alone.

Court processes (*Adoption in Aotearoa discussion document p. 47*)

63. Around a third of the people we engaged with spoke about court processes. Of those, most thought that change to the types of orders a court may make is needed, but there was considerable variation in the suggested types of orders. Some did not favour a separate Adoption Act, and argued that provisions should be incorporated in an expanded Care of Children Act. We heard that the child to be adopted needs to be represented in the Court process by a suitable advocate, as they should be the focus of the proceedings.

Legal effect of adoption (*Adoption in Aotearoa discussion document p. 49*)

64. Around a third of the people we engaged with spoke about the legal effect of adoption. Almost all supported removing the 'legal guillotine' effect of a final adoption order, where a child's legal connection to their birth parents is severed following an adoption order.
65. We heard from some people that succession and inheritance for an adopted child should be the same as if the child was a biological child of their adopted parents. A majority of people we engaged with also considered that the adopted person should be able to inherit from their birth parents. We heard from almost all people that maintenance should be the responsibility of the adoptive parents, as the birth parents no longer have parental rights and responsibilities for the child.

Alternative care arrangements and orders (*Adoption in Aotearoa discussion document p. 51*)

66. Around a third of the people we engaged with spoke about alternative care arrangements. Of those people, most supported using adoption as a last resort, or at least considering alternatives before granting an adoption order. People considered that alternative care orders are often better for the child, when compared with the impacts of

adoption. One of the main reasons given was that an alternative order can provide more connection with the child's birth family.

Post-adoption contact (*Adoption in Aotearoa discussion document p. 51*)

67. A few of the people we engaged with spoke about post-adoption contact. Most supported a contact order being made that is enforceable, but stressed that orders should be reviewable and flexible to cater for the changing needs of families over time. While there was a quite strong consensus overall, there was variation within different demographics (e.g. people who have been adopted did not necessarily all agree).

Discharging an adoption order (*Adoption in Aotearoa discussion document p. 52*)

68. A few of the people we engaged with spoke about discharging an adoption order. Almost all of those considered the grounds on which an adoption order could be discharged should be expanded. Most considered that adult adopted persons should have the right to discharge their adoption order without restriction.

69. There were different views about who should be able to apply for a discharge. Some considered wider family and whānau should have the right to apply for a discharge on the basis of their connection to the adopted person, while others considered this could harm the adoptive relationship.

Support services (*Adoption in Aotearoa discussion document p. 56*)

70. Feedback relating to the specific questions about support is covered in paragraphs 29-31 of the section above setting out feedback on broad themes.

Birth certificates after an adoption (*Adoption in Aotearoa discussion document p. 57*)

71. We heard about birth certificates from almost half the people we engaged with. Almost all of those people supported a change to the status quo, where birth parents are replaced by adoptive parents on birth certificates post-adoption, and the original is sealed away. However, there were different views on what an alternative should look like. While very few submitters supported keeping the status quo, the rationale for the approach under the status quo (such as privacy and recognising new relationships) were raised occasionally.

72. The most common themes raised were the importance of identity, ending the legal fiction created whereby adopted peoples' birth certificates mean they appear to be born to their adoptive parents, access to information, recognition of relationships and protecting privacy.

Access to adoption information (*Adoption in Aotearoa discussion document p. 60*)

73. We heard about access to adoption information from around half the people we engaged with. Almost all of those people supported improving the way people access adoption information and most supported changing the veto system. While most supported the options put forward, a few added caveats to their support. These tended to relate to age of access, with some suggesting that the age restriction is lowered, not removed, and others suggesting access before a certain age can be granted with the permission of the adoptive parents (including wider family access).

Surrogacy and the adoption process (*Adoption in Aotearoa discussion document pp. 64 and 65*)

74. Overall, there was a variety of strong views raised in support of and against surrogacy. We heard from around a of the third of people we engaged with on this topic, and of those, almost all highlighted the need for new laws to manage surrogacy arrangements

and make the process easier. Most considered adoption laws are not fit for purpose and the process is expensive, takes too long, and is too arduous. A few argued the process is unfair as it means infertile couples, especially same-sex couples, are subjected to increased scrutiny by the state.

75. Most people we heard from about surrogacy argued that the intent of surrogacy is not supported by adoption legislation, which is for a fundamentally different purpose. Almost all wanted a separate legal regime for surrogacy.
76. There were different views around the rights of the surrogate and requirements for consent, with some thinking surrogates should have no rights over children who are not genetically theirs, and some stating surrogates have an important bond with the baby and should provide consent.
77. Around half of the people we engaged with called for the Law Commission review to be completed before progressing any changes to how surrogacy arrangements are regulated. However, a few people highlighted that improvements to the adoption process for children born by surrogacy could be made in the interim by making surrogacy cases exempt from some of the processes of adoption and improving the information available.
78. There was strong consensus that international surrogacy should be tightly regulated or banned altogether due to the high risk of child trafficking and exploitation of women.