

# CLAUSE NOTES

## *Adoption Amendment Bill 2013*

<b>Clause 1</b>	<b>Short Title</b>
<b>Clause 2</b>	<b>Commencement</b> Provides for the Act to commence on Royal Assent.
<b>Clause 3</b>	<b>Principal Act</b> Specifies that the <i>Adoption Act 1988</i> is referred to as the Principal Act.
<b>Clause 4</b>	<b>Section 20 amended</b>  Clause 4 amends section 20 by omitting s 20(2A) and s 20(3) and substituting a new s 20(3).  Section 20 specifies the persons in whose favour adoption orders may be made.  Section 20(1) allows the Court to grant an adoption order in favour of couples within a significant relationship within the meaning of the <i>Relationships Act 2003</i> . However, s 20(2A) prevents the Court from making such an order in favour of a person in a significant relationship unless the other party to the relationship is the natural or adoptive parent of the child, or either party to the relationship is a relative of the child. The omission of s 20(2A) removes this limitation, with the effect of allowing couples in a significant relationship to adopt a child who is unrelated to the couple.  Section 20(3) is intended to provide that adoption orders should not be made in favour of parents of that child, by reference to the mother of the child or a man who would under s 29(3) have to give consent to the adoption of the child. However, the section does not currently provide for the circumstances of same-sex female parents.  This is an oversight, as previous amendments to Section 29(4A) of the Act have recognised where same-sex female parents would need to consent if they were relinquishing their child for adoption.  This is consistent with such partners' position under the <i>Status of Children Act 1974</i> . This amendment clarifies the issue by adding a reference to s 29(4A) to section 20(3).

**Clause 5****Repeal**

This clause provides that the Act is repealed on the three hundred and sixty fifth day from the day it commences.