

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN [SQUARE BRACKETS].

NOTE: PURSUANT TO S 22A OF THE ADOPTION ACT 1955, ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER INFORMATION, PLEASE SEE <https://www.justice.govt.nz/family/about/restriction-on-publishing-judgments/>

**IN THE FAMILY COURT
AT HUTT VALLEY**

**FAM-2017-096-000586
[2018] NZFC 2716**

IN THE MATTER OF	THE ADOPTION ACT 1955
BETWEEN	[ANGEL EDWARDS] [ADA GILL] Applicants
AND	[REEVA HOUGHTON] [LYDIA HOUGHTON] Respondents

Hearing: 12 April 2018

Appearances: N Dahya for the Applicant [Edwards]
Applicant [Gill] appears in Person
No appearance by or for the Respondents

Judgment: 12 April 2018

ORAL JUDGMENT OF JUDGE T M BLACK

[1] This is an application by Ms [Edwards] and Ms [Gill] to discharge an adoption order.

[2] The situation is that Ms [Edwards] and Ms [Gill] and their sister Ms [Houghton] were adopted in 1971; that is after their father, Mr [Fisher], had died in 1970.

[3] The situation is that throughout Ms [Edwards]'s and Ms [Gill]'s childhood Mr [Houghton], the adoptive father, abused them both physically and sexually. Eventually, after Ms [Edwards] and Ms [Gill] had left home they became aware that there had been complaints about Mr [Houghton]'s behaviour at [school deleted] where he had been a teacher. That led to Ms [Edwards] and Ms [Gill] contacting the police, and eventually Mr [Houghton] was charged and convicted in [the mid-1990s] and imprisoned for physical and sexual abuse against the applicants.

[4] Mr [Houghton] died in 2015.

[5] As Ms [Edwards] sets out in her application, after Mr [Houghton] was released from prison, she and her sister lived in fear of retribution and it is only since his death that they have felt able to take these steps. They have secured the consent of the Crown Law Office, on behalf of the Attorney General, to the bringing of this application – that consent is required.

[6] Effectively, what the applicants seek is to sever the legal relationship which now exists between them and Mr [Houghton]. They do not wish to be associated with him in a legal sense because of the abuse that he perpetrated against them.

[7] Under the relevant provision of the Adoption Act 1955 an order can be discharged where it can be shown that the order has been obtained in circumstances where there was a mistake as to a material fact or in consequence of a material misrepresentation.

[8] In essence, the case for these applicants is that there was a material misrepresentation, and that material misrepresentation is that Mr [Houghton] was a fit and proper person to be in a parental role to these girls.

[9] Clearly, he was not. A man who abuses girls who are supposed to be under his care and protection is not a fit and proper person to be in that role. And had the Court in 1971 known about his propensity for violence and sexual abuse there is no question but that an adoption order would not have been made.

[10] The application has been served on Ms [Houghton], the sister. She has not filed any formal response, but she has indicated she does not object to the application. I read earlier to the parties her email to the Court. It is clear that she too was affected by the abuse from her end.

[11] The parties are estranged from their mother. She has been served and she has not taken any steps at all.

[12] In all the circumstances, I am going to grant the application as sought, and I formally make an order discharging the adoption order made in 1971 in relation to each of the applicants. That order was made [date deleted] 1971.

[13] The legal consequences of the discharge are set out by Ms Dahya in her reporting memorandum. The effect of the discharge order is that the legal relationships revert to what they were immediately prior to the making of the adoption orders, so the Registrar of Births, Deaths and Marriages will be provided with a copy of this order by the Court and will issue on request fresh birth certificates showing the original particulars rather than the adoptive particulars.

[14] Ms Dahya, your appointment is terminated with the Court's thanks.

A handwritten mark or signature consisting of a vertical line on the left, a curved line on the right, and a few small dots below.

Judge TM Black
Family Court Judge
16/04/2018 4:00 pm