

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 TAUPO**

**I TE KŌTI WHĀNAU
KI TAUPŌ-NUI-A-TIA**

**FAM-2020-069-000126
[2021] NZFC 4375**

IN THE MATTER OF	THE ADOPTION ACT 1955
BETWEEN	[GISELLE MEYER] [JON MEYER] Applicants
AND	[ABIGAIL LINT] [DEAN LINT] Respondents

Hearing: 6 May 2021

Appearances: T Gunn for the Applicants
No appearance by or for the Respondents

Judgment: 6 May 2021

ORAL JUDGMENT OF JUDGE A C WILLS

[1] This is an application for an adoption order. Mr and Mrs [Meyer] seek to adopt [Kaspar Lint], born [date deleted] 2020.

[2] [Kaspar] was born as the result of a surrogacy arrangement between Mr and Mrs [Meyer] and [Abigail Lint] and [Dean Lint]. [Kaspar] was conceived via IVF from frozen embryo using a donor egg.

[3] The nature of surrogacy arrangements of this type is that there is a biological connection between Mr [Meyer] and [Kaspar], with him being the father. The egg donor is a person who wishes to remain known only by the name of [Esme]. While that is probably not ideal for [Kaspar] junior in the longer term, that is an issue that cannot be addressed without [Esme]'s consent.

[4] As a result of that donation, Ms [Abigail Lint] has been able to provide the surrogacy and is the birth mother of [Kaspar]. That is a gift given to the parents by her. One of the things that is perhaps a little unusual in this case is that Ms [Lint] is a long-time friend of Mr [Meyer] and, of course, over time she has also become friends with Mrs [Meyer].

[5] This couple are unable to have children of their own. The birth came about with the assistance and support of Fertility Associates and was approved by the Ethics Committee on Assisted Reproductive Technology. An approval is required by Oranga Tamariki and there was a social worker's approval for [Kaspar] to be placed into the care of the applicants.

[6] [Kaspar] was a little early, but his parents were able to take him from the hospital after spending four days there with him.

[7] Following the making of the application, a social work report was sought and provided dated 9 March 2021. That report is fully supportive of this adoption order being made. The whole process was really designed to lead to this point. The social work report sets out the history and background, both in relation to the applicants, their family, their life. It also canvasses references that have been provided, information about the birth parents and talks about how well [Kaspar] is doing in the care of the applicants.

[8] The social work report recommends that the report be released to enable it to be included in [Kaspar]'s life story. Increasingly, this way of being born is becoming common. It will not be unusual for [Kaspar] by the age of 12 to be one of a number of children in the same situation. What will be important for him is that he has all of the information available.

[9] The social work report also recommends that I make a final adoption order in the first instance. I can only do that if there are special circumstances. I am satisfied that this is a case where special circumstances apply because [Kaspar] is genetically the son of Mr [Meyer], and the social work report also supports the final order.

[10] [Kaspar] is now nearly 15 months old. He knows no other parents and he is progressing absolutely as he should be. I am entirely satisfied that the criteria are met, that the applicants are fit and proper persons in terms of the Act to have the adoption order made in their favour and it is appropriate that the order be made final today.

Judge AC Wills
Family Court Judge

Date of authentication: 23/05/2021
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