Version
as at 6 October 2023

Status of Children Act 1969

Public Act	1969 No 18
Date of assent	22 August 1969
Commencement	see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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Title *[Repealed]*

1 Short Title and commencement

(1) This Act may be cited as the Status of Children Act 1969.

(2) This Act shall come into force on 1 January 1970.

2 Interpretation

For the purposes of this Act (except the Schedule) **marriage** includes a void marriage; and **married** has a corresponding meaning.

Part 1
Status of children generally

Part 1 heading: inserted, on 1 July 2005, by section 4 of the Status of Children Amendment Act 2004 (2004 No 91).

Children of equal status whether or not parents are or have been married to each other

Heading: inserted, on 1 July 2005, by section 4 of the Status of Children Amendment Act 2004 (2004 No 91).

2A Purpose of sections 3 and 4

The purpose of sections 3 and 4 is to remove the legal disabilities of children born out of wedlock.

Section 2A: inserted, on 1 July 2005, by section 4 of the Status of Children Amendment Act 2004 (2004 No 91).

3 All children of equal status

(1) For all the purposes of the law of New Zealand the relationship between every person and his father and mother shall be determined irrespective of whether

the father and mother are or have been married to each other, and all other relationships shall be determined accordingly.

(2) The rule of construction whereby in any instrument words of relationship signify only legitimate relationship in the absence of a contrary expression of intention is abolished.

(3) For the purpose of construing any instrument, the use, with reference to a relationship, of the words legitimate or lawful shall not of itself prevent the relationship from being determined in accordance with subsection (1).

(4) This section shall apply in respect of every person, whether born before or after the commencement of this Act, and whether born in New Zealand or not, and whether or not his father or mother has ever been domiciled in New Zealand.

Prior instruments and intestacies

Heading: inserted, on 1 July 2005, by section 5 of the Status of Children Amendment Act 2004 (2004 No 91).

4 Instruments executed and intestacies which take place before the commencement of this Act

(1) All instruments executed before the commencement of this Act shall be governed by the enactments and the rules of construction and law which would have applied to them if this Act had not been passed.

(2) Where any instrument to which subsection (1) applies creates a special power of appointment, nothing in this Act shall extend the class of persons in whose favour the appointment may be made, or cause the exercise of the power to be construed so as to include any person who is not a member of that class.

(3) The estates of all persons who have died intestate as to the whole or any part thereof before the commencement of this Act shall be distributed in accordance with the enactments and rules of law which would have applied to them if this Act had not been passed.

Presumptions as to parenthood

Heading: inserted, on 1 July 2005, by section 6 of the Status of Children Amendment Act 2004 (2004 No 91).

5 Presumptions as to parenthood

(1) A child born to a woman during her marriage, or within 10 months after the marriage has been dissolved by death or otherwise, shall, in the absence of evidence to the contrary, be presumed to be the child of its mother and her husband, or former husband, as the case may be.

(2) Every question of fact that arises in applying subsection (1) shall be decided on a balance of probabilities.

(3) This section shall apply in respect of every child, whether born before or after the commencement of this Act, and whether born in New Zealand or not, and whether or not his father or mother has ever been domiciled in New Zealand.

Section 5(2): inserted, on 12 December 1983, by section 2 of the Status of Children Amendment Act 1983 (1983 No 95).

Section 5(3): inserted, on 12 December 1983, by section 2 of the Status of Children Amendment Act 1983 (1983 No 95).

Grant of letters of administration and distribution of estates and property held upon trust

Heading: inserted, on 1 July 2005, by section 7 of the Status of Children Amendment Act 2004 (2004 No 91).

5A Grant of letters of administration

(1) Letters of administration with or without the will annexed in respect of the estate of any deceased person or any part thereof shall not be granted to any applicant therefor unless the applicant shows—

(a) that he has made reasonable inquiries to determine whether there exists (in addition to any parent or child of the deceased person already known to him) any parent or child of the deceased person who could claim an interest in the estate or part by reason only of this Act and the provisions of the enactments governing the distribution of intestate estates or the provisions of the will (such parent or child being hereafter in this section referred to as any such claimant); or

(b) that no useful purpose would be served in the particular case by making the inquiries specified in paragraph (a); or

(c) that the making of the inquiries specified in paragraph (a) would unduly delay the making of a grant of administration; or

(d) that the getting in or preservation of the assets of the estate requires the making of an immediate grant of administration.

(2) An applicant for a grant of letters of administration with or without the will annexed in respect of the estate of any deceased person or any part thereof shall be deemed to have made reasonable inquiries as to the existence of any such claimant to an interest in the estate or part if, acting in good faith, he has—

(a) caused a search to be made of the register of instruments, declarations, and orders maintained by the Registrar-General pursuant to section 9 and ascertained whether or not the existence of any such claimant to such an interest is revealed in the register; and

(b) looked through any papers of the deceased person that have come to his notice in the course of searching for a testamentary disposition made by the deceased person, or otherwise howsoever, and ascertained whether or not the existence of any such claimant to such an interest is revealed in those papers.

(3) Where subsection (1)(a) applies, an applicant for a grant of letters of administration in respect of the estate of any deceased person or any part thereof shall file an affidavit saying that he has made reasonable inquiries for the purposes of the Status of Children Act 1969 as to the existence of any such claimant to an interest in the estate or part (with a brief indication of the nature of those inquiries) and (if such is the case) that he does not know of the existence of any such claimant to an interest in the estate or part.

(4) Where, pursuant to this section, an applicant for letters of administration with or without the will annexed in respect of the estate of any deceased person or any part thereof complies with subsection (1), nothing in the Administration Act 1969 or the High Court Rules 2016 or the practice of the High Court relating to a grant of letters of administration shall be construed as requiring him to do anything further in connection with the application for the purposes of this Act.

(5) This section shall have no application in relation to any grant of administration to a trustee corporation within the meaning of section 2 of the Administration Act 1969, either alone or jointly with another person; and nothing in the Administration Act 1969, the High Court Rules 2016, or the practice of the High Court shall require the trustee corporation or any other joint applicant for the grant to make inquiries, before the grant is made, as to the existence of any such claimant.

(6) In this section **applicant** includes a person acting on behalf of the applicant, with the applicant's express or implied authority, for the purposes of obtaining the grant.

Section 5A: inserted, on 1 October 1978, by section 2 of the Status of Children Amendment Act 1978 (1978 No 8).

Section 5A(4): editorial change made by the PCO, on 29 April 2026, under sections 86(1) and 87(o) of the Legislation Act 2019 (2019 No 58).

Section 5A(4): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 5A(5): editorial change made by the PCO, on 29 April 2026, under sections 86(1) and 87(o) of the Legislation Act 2019 (2019 No 58).

Section 5A(5): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

6 Reasonable inquiries to precede distribution

(1) For the purposes of the distribution of any estate or of any property held upon trust, an executor, administrator, or trustee shall make reasonable inquiries to determine whether there exists any person (in addition to any person or persons already known to him) who could claim an interest in the estate or property by reason only of this Act and the provisions of the enactments governing the distribution of intestate estates or the provisions of the will, deed, or other document governing the distribution of the estate or property (such person

being hereafter in this section and in section 6A and in section 6B referred to as any claimant).

(2) In the case of a continuing trust of income it shall be sufficient for the purposes of continuing distributions of income if reasonable inquiries as to the existence of any claimant are made before the first distribution after the commencement of this section of income under the trust.

(3) Subject to subsection (2) and to subsections (3) and (4) of section 6A, it shall be sufficient if reasonable inquiries as to the existence of any claimant are made before the first distribution after the commencement of this section of the estate or property and before any subsequent distribution where a period of 3 years or more has elapsed since reasonable inquiries were last made.

Section 6: replaced, on 1 October 1978, by section 2 of the Status of Children Amendment Act 1978 (1978 No 8).

6A Reasonable inquiries that comply

(1) An executor, administrator, or trustee shall be deemed to have made reasonable inquiries for the purposes of section 6 if, acting in good faith and subject to subsections (2) to (4), he has—

(a) inquired about the existence of any claimant from at least 1 person whom he believes may have knowledge of the matter (except where no such person can readily be located) and obtained from that person (if he is willing to make it) a statutory declaration concerning the matter; and

(b) caused a search to be made of the register of instruments, declarations, and orders maintained by the Registrar-General pursuant to section 9 and ascertained whether or not the existence of any claimant is revealed in the register; and

(c) looked through any papers that have come to his notice in the ordinary course of administration of the estate or property and ascertained whether or not the existence of any claimant is revealed in those papers; and

(d) in the case of the administration of the estate of any deceased person, inquired from the solicitor (if any) last known to him to have acted for the deceased person in his lifetime whether the solicitor knows of the existence of any claimant.

(2) Compliance with the requirements of section 5A(2)(a) in respect of the estate of any deceased person or any part of such an estate constitutes compliance with the requirements of subsection (1)(b) in respect of the same estate or part thereof unless—

(a) compliance with the requirements of subsection (1)(b) is material—

(i) because a person other than a parent or child could claim; or

(ii) for any other reason; or

(b) a period of 3 years or more has elapsed since the requirements of section 5A(2)(a) were complied with.

(3) It shall not be necessary for an executor, administrator, or trustee to fulfil the requirements of subsection (1)(c) on more than 1 occasion in respect of the same estate or property:

provided that where subsection (3) of section 6 applies, the executor, administrator, or trustee shall, before each distribution subsequent to the first distribution mentioned in that subsection, look through the papers (if any) that have come to his notice in the ordinary course of the administration of the estate or property since the immediately preceding distribution of the estate or property.

(4) It shall not be necessary for an executor, administrator, or trustee to fulfil the requirements of subsection (1)(d) on more than 1 occasion in respect of the same estate.

Section 6A: inserted, on 1 October 1978, by section 2 of the Status of Children Amendment Act 1978 (1978 No 8).

6B Protection of executors, administrators, and trustees

No action shall lie against any executor of the will or administrator or trustee of the estate of any person, or the trustee under any instrument, by any person to enforce any claim arising by reason of the executor or administrator or trustee having made any distribution of the estate or the property held upon trust disregarding the claims of any claimant where at the time of making the distribution the executor, administrator, or trustee had no notice of the relationship on which the claim is based, if he has made reasonable inquiries in accordance with such of the provisions of section 6 and section 6A as are applicable:

provided that if it appears to the court that an executor, administrator, or trustee is or may be personally liable for having failed to comply with those provisions, in whole or in part, but has acted honestly, and ought fairly to be excused for his failure, the court may relieve him either wholly or partly from personal liability for the same.

Section 6B: inserted, on 1 October 1978, by section 2 of the Status of Children Amendment Act 1978 (1978 No 8).

6C Warning notices

(1) Where an executor, administrator, or trustee is aware of the existence of any claimant or potential claimant who has not, in the opinion of the executor, administrator, or trustee, been able to establish the relationship of father and child, or any other relationship traced in any degree through that relationship, pursuant to paragraph (a) or paragraph (b) of subsection (1) of section 7 but who may be able to do so pursuant to the provisions of paragraph (c) of subsection (1), he shall serve on that claimant or potential claimant or on any other person on whom notice is required to be served in accordance with section 6D(1), a notice—

(a) advising the person served of his or her right to seek to establish the relationship in question by applying to the Family Court or to the High Court under section 10 for a declaration of paternity; and

(b) warning the person served that, unless such an application to the Family Court or to the High Court is made within 3 months from the date of the service of the notice and thereafter prosecuted with all due diligence, the estate or the property held in trust may be distributed disregarding the claims of the claimant or potential claimant.

(2) Where a person on whom such a notice has been served in accordance with subsection (1) fails to apply as aforesaid for the relevant declaration of paternity, or fails to prosecute with all due diligence an application for such a declaration that is made within the said 3 months, no action shall lie against the executor, administrator, or trustee by reason of his having thereafter made any distribution of the estate or property or any part thereof before it is shown to him that the relevant declaration of paternity has been made.

Section 6C: inserted, on 1 October 1978, by section 2 of the Status of Children Amendment Act 1978 (1978 No 8).

Section 6C(1)(a): replaced, on 1 July 2005, by section 8(1) of the Status of Children Amendment Act 2004 (2004 No 91).

Section 6C(1)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 6C(1)(b): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 6C(1)(b): amended, on 1 July 2005, by section 8(2) of the Status of Children Amendment Act 2004 (2004 No 91).

6D Service of warning notices

(1) Where an executor, administrator, or trustee desires to serve a notice under section 6C(1) on any person who is not of full age and capacity, the notice shall not be served on that person but shall be served on the parent or guardian of that person or on the manager of his estate or on such other person as the High Court may direct.

(2) Any notice under section 6C(1) may be served—

(a) either by delivering it to the person for whom it is intended or by sending it by post in a registered letter addressed to that person at his usual or last known place of abode or business; or

(b) in such other manner as may be directed by an order of the High Court.

(3) Where a notice is sent by post as aforesaid it shall be deemed to be served at the time at which the letter would have been delivered in the ordinary course of post.

Section 6D: inserted, on 1 October 1978, by section 2 of the Status of Children Amendment Act 1978 (1978 No 8).

Section 6D(1): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 6D(2)(b): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Paternity

Heading: inserted, on 1 July 2005, by section 9 of the Status of Children Amendment Act 2004 (2004 No 91).

7 Recognition of paternity

(1) The relationship of father and child, and any other relationship traced in any degree through that relationship shall, for any purpose related to succession to property or to the construction of any will or other testamentary disposition or of any instrument creating a trust, or for the purpose of any claim under the Family Protection Act 1955 be recognised only if—

(a) the father and the mother of the child were married to each other at the time of its conception or at some subsequent time; or

(b) subject to paragraph (c), paternity has been admitted (expressly or by implication) by or established against the father in his lifetime (whether before or after the birth of the child and whether by 1 or more of the types of evidence specified by section 8 or otherwise) and, if that purpose is for the benefit of the father, paternity has been so admitted or established either before the birth of the child or in its lifetime; or

(c) paternity has been established by means of a declaration of paternity made under section 10—

(i) after the death of the father; or

(ii) if that purpose is for the benefit of the father, after the death of the child.

(2) In any case where by reason of subsection (1), the relationship of father and child is not recognised for certain purposes at the time the child is born, the occurrence of any act, event, or conduct that enables that relationship, and any other relationship traced in any degree through it, to be recognised shall not—

(a) affect any estate, right, or interest in any real or personal property, or any part thereof, if the executor, administrator, or trustee has, by a distribution that is properly paid or applied in terms of subsection (3), placed the property or part beyond the possession and control of the executor, administrator, or trustee (in his capacity as such) to or for the benefit of other beneficiaries otherwise entitled thereto before the act, event, or conduct occurred; or

(b) disturb a distribution that is properly paid or applied in terms of subsection (3):

provided that, on any further distribution of the real or personal property or any part thereof after the occurrence, event, or conduct enabling the recognition of the relationship, the earlier distributions shall, so far as possible, be brought into account in determining the respective estates,

rights, and interests of the persons then entitled to the property that has not been distributed.

(3) For the purposes of subsection (2), a distribution shall be properly paid or applied if—

(a) it is made in accordance with any trust, power, or authority which is subsisting when the distribution is made and which, irrespective of subsequent events, justifies the distribution at the time when it is made; and

(b) it is made either—

(i) without notice of the existence of a person who is entitled by reason only of this Act and the provisions of the enactments governing the distribution of intestate estates or the provisions of the will, deed, or other document governing the distribution of the estate or property; or

(ii) after the expiration of any notice under section 6C(1) and without notice of any declaration of paternity made by the Family Court or by the High Court under section 10.

(4) No action shall lie against an executor, administrator, or trustee for any decision that he makes in applying the proviso to paragraph (b) of subsection (2) if he establishes that in making that decision he acted honestly.

Section 7(1)(b): replaced, on 1 October 1978, by section 3(1) of the Status of Children Amendment Act 1978 (1978 No 8).

Section 7(1)(c): inserted, on 1 October 1978, by section 3(1) of the Status of Children Amendment Act 1978 (1978 No 8).

Section 7(2): replaced, on 1 October 1978, by section 3(2) of the Status of Children Amendment Act 1978 (1978 No 8).

Section 7(3): inserted, on 1 October 1978, by section 3(2) of the Status of Children Amendment Act 1978 (1978 No 8).

Section 7(3)(b)(ii): replaced, on 1 July 2005, by section 10 of the Status of Children Amendment Act 2004 (2004 No 91).

Section 7(3)(b)(ii): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 7(4): inserted, on 1 October 1978, by section 3(2) of the Status of Children Amendment Act 1978 (1978 No 8).

8 Evidence and proof of paternity

(1) If, pursuant to—

(a) any provision of the Births, Deaths, Marriages, and Relationships Registration Act 2021 or the corresponding provision of any former Act (as defined in Schedule 1 of that Act); or

(b) any provision of any law of any country to which section 141, or any of sections 145 to 149 of the Evidence Act 2006 applies,—

the name of the father of the child to whom an entry relates has been entered (whether before or after the commencement of this Act) in the child's birth

record, or, in the case of any country to which section 141, or any of sections 145 to 149 of the Evidence Act 2006 applies, in a register of that country relating to births, a certified copy of the entry made or given and purporting to be signed or sealed in accordance with that Act or that law shall be prima facie evidence that the person named as the father is the father of the child.

(2) Any instrument signed by the mother of a child and by any person acknowledging that he is the father of the child shall, if executed as a deed or by each of those persons in the presence of a solicitor, be prima facie evidence that the person named as the father is the father of the child.

(3) A paternity order within the meaning of the Domestic Proceedings Act 1968 (or an affiliation order under any corresponding former Act) shall, subject to section 52 of that Act, be prima facie evidence of paternity in any subsequent proceedings, whether or not between the same parties.

(4) Subject to subsection (1) of section 7, a declaration made under section 10 shall, for all purposes, be conclusive proof of the matters contained in it.

(5) An order made in any country outside New Zealand declaring a person to be the father of a child, being an order to which this subsection applies pursuant to subsection (6), shall be prima facie evidence that the person declared the father is the father of the child.

(6) The Governor-General may from time to time, by Order in Council, declare that subsection (5) applies with respect to orders made by any court or public authority in any specified country outside New Zealand or by any specified court or public authority in any such country. For the purposes of this subsection, the Cook Islands, Niue, and Tokelau shall be deemed to be countries outside New Zealand.

(7) An order under subsection (6) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 8(1): replaced, on 19 March 1990, by section 2 of the Status of Children Amendment Act 1990 (1990 No 15).

Section 8(1): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Section 8(1): amended, on 1 August 2007, by section 216 of the Evidence Act 2006 (2006 No 69).

Section 8(1)(a): replaced, on 1 September 1995, by section 95 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16).

Section 8(1)(a): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

Section 8(1)(a): amended, on 24 January 2009, by section 47 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 8(1)(b): amended, on 1 August 2007, by section 216 of the Evidence Act 2006 (2006 No 69).

Section 8(3): amended, on 1 January 1981 (applying for the purposes of any proceeding commenced on or after 1 January 1981, but shall not apply for the purposes of any proceeding commenced before that date or any appeal, review, or other proceeding relating to the determination of any such proceeding), by section 25 of the Evidence Amendment Act (No 2) 1980 (1980 No 27).

Section 8(3): amended, on 8 December 1971, by section 2 of the Status of Children Amendment Act 1971 (1971 No 132).

Section 8(6): amended, on 9 December 1976, pursuant to section 3(8) of the Tokelau Amendment Act 1976 (1976 No 122).

Section 8(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

9 Instruments of acknowledgment may be filed with Registrar-General

(1) Any instrument of the kind described in subsection (2) of section 8, or a duplicate or attested copy of any such instrument, may in the prescribed manner and on payment of the prescribed fee (if any) be filed in the office of the Registrar-General, but it shall not be necessary to file any such instrument.

(2) The Registrar-General shall cause indexes of all instruments and duplicates and copies of instruments filed with him under subsection (1) to be made and kept in his office, and shall, upon the request of any person and on payment of any prescribed fee or fees—

(a) cause a search of any index to be made:

(b) permit any such person to inspect any such instrument or any such duplicate or copy:

(c) issue any such person with a certified copy of—

(i) any such instrument; or

(ii) any such duplicate or copy:

(d) issue any such person with a certificate setting out the result of a search pursuant to paragraph (a).

(2A) *[Repealed]*

(3) If the Family Court or the High Court makes a declaration under section 10(2) or (3), or the Family Court makes a paternity order under the Family Proceedings Act 1980,—

(a) the Registrar of the court must forward a copy of the declaration or order, as the case may require, to the Registrar-General for filing in his or her office under this section; and

(b) on receipt of any such copy, the Registrar-General must file it accordingly as if it were an instrument of the kind described in section 8(2).

(4) For the purposes of this section, **Registrar-General** has the same meaning as in section 4 of the Births, Deaths, Marriages, and Relationships Registration Act 2021.

Section 9(2): replaced, on 13 December 1979, by section 3 of the Status of Children Amendment Act 1979 (1979 No 112).

Section 9(2): amended, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

Section 9(2A): repealed, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

Section 9(3): replaced, on 1 July 2005, by section 11 of the Status of Children Amendment Act 2004 (2004 No 91).

Section 9(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 9(4): replaced, on 1 September 1995, by section 95 of the Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16).

Section 9(4): amended, on 15 June 2023, by section 147 of the Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57).

10 Declaration as to paternity

(1) In this section, **eligible person** means a person—

(a) who is a woman and who alleges that a named person is the father of her child; or

(b) who alleges that the relationship of father and child exists between the person and another named person; or

(c) who wishes to have it determined whether the relationship of father and child exists between 2 named persons, and has a proper interest in the result.

(2) The Family Court or the High Court may make a declaration of paternity (whether the alleged father or the alleged child or both of them are living or dead) if—

(a) an eligible person applies to the court for the declaration; and

(b) it is proved to the court's satisfaction that the relationship exists.

(3) A court considering an application under subsection (2) may, either on its own initiative or on an application for the purpose by a party to the proceedings, make a declaration of non-paternity (whether the alleged father or the alleged child or both of them are living or dead) if it is proved to the court's satisfaction that the relationship does not exist.

(4) If a declaration of paternity under subsection (2) is made after the death of the father or of the child, the court may, at the same or any later time, make a declaration determining, for the purposes of section 7(1)(b), whether any of the requirements of section 7(1)(b) have been satisfied.

(5) If an application under subsection (2) is made—

(a) to the Family Court, the provisions of the Family Proceedings Act 1980 (except sections 47 to 50) apply to the application as if it were an application for a paternity order under section 47 of that Act:

(b) to the High Court, the provisions of the Declaratory Judgments Act 1908 apply to the application.

(6) Every question of fact that arises in applying any of subsections (2) to (4) must be decided on a balance of probabilities.

(7) If an application made under subsection (2) or (3) is undefended, a Family Court Associate may exercise the jurisdiction of the Family Court in respect of that application and make a declaration.

Section 10: replaced, on 1 July 2005, by section 12 of the Status of Children Amendment Act 2004 (2004 No 91).

Section 10(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(5)(a): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 10(7): inserted, on 6 October 2023, by section 96 of the Family Court (Family Court Associates) Legislation Act 2023 (2023 No 25).

Miscellaneous provisions

Heading: inserted, on 1 July 2005, by section 13 of the Status of Children Amendment Act 2004 (2004 No 91).

11 Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) prescribing fees and forms for the purposes of this Act:

(b) providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(2) Where the Registrar-General (as defined in subsection (4) of section 9) is empowered to do any act for which a fee is payable, he may refuse to do the act until the fee is paid.

(3) Notwithstanding the provisions of any regulations under this Act, the Registrar-General (as so defined) may dispense with the payment of any fee payable under this Act.

(4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 11(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

12 Repeals and consequential amendments

(1) The Legitimation Act 1939 and the Deaths by Accidents Compensation Amendment Act 1956 are hereby repealed.

(2) The enactments specified in the Schedule are hereby consequentially amended in the manner indicated in that schedule.

(3) Except as provided in subsections (1) and (2), nothing in this Act shall—

(a) limit or affect any enactment or rule of law relating to the domicile of any person and every such enactment or rule of law shall continue to apply as if this Act had not been passed:

(b) limit or affect any of the provisions of the Adoption Act 1955 which determine the relationship to any other person of a person who has been adopted.

Part 2
Status of children conceived as result of AHR procedures

Part 2: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Preliminary provisions

Heading: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

13 Purpose of this Part

The purpose of this Part is to—

(a) remove uncertainty about the status of children conceived as a result of AHR procedures; and

(b) replace the Status of Children Amendment Act 1987 with provisions that continue the effects of that Act (except for the status of father without the rights and liabilities of a father), but also extend the status of parent to a woman living as a de facto partner of a birth mother.

Section 13: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

14 Interpretation

(1) In this Part, unless the context otherwise requires,—

AHR procedure has the meaning given to it by section 15

partner,—

(a) in relation to a woman who is married or in a civil union and to whom paragraph (b) does not apply, means the woman's spouse or civil union partner; and

(b) in relation to a woman (**woman A**) who is married or in a civil union but is living with a man, or with another woman, as a de facto partner, means the man or other woman who is living with woman A as a de facto partner (and so does not mean woman A's spouse or civil union partner); and

(c) in relation to a woman (**woman A**) who is not married or in a civil union but is living with a man, or with another woman, as a de facto partner, means the man or other woman who is living with woman A as a de facto partner

partnered woman means a woman who—

(a) is married or in a civil union; or

(b) is married or in a civil union, but is living with a man, or with another woman, as a de facto partner; or

(c) is not married or in a civil union but is living with a man, or with another woman, as a de facto partner

woman acting alone means a woman—

(a) who is not a partnered woman; or

(b) who is a partnered woman, but has undergone an AHR procedure without her partner's consent.

(2) A woman who is not the birth mother of a child but who, by operation of this Part, is a parent of the child must, for the purposes of an enactment or rule of law (other than this Part) that refers to, or contemplates, a mother and a father of, or 2 parents of, a child, be treated so far as practicable in the same manner as the father of, or as the other parent of, the child.

(3) A reference in any of sections 17 to 22 to "any child of the pregnancy" is a reference to "any child of the pregnancy (whether born or unborn)".

Compare: 1987 No 185 s 2

Section 14: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Section 14(1) **AHR procedure**: amended, on 20 September 2007, by section 4 of the Status of Children Amendment Act 2007 (2007 No 83).

Section 14(1) **de facto partner**: repealed, on 1 July 2005, by section 6(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 14(1) **partner**: replaced, on 1 July 2005, by section 6(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 14(1) **partner** paragraph (a): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

Section 14(1) **partner** paragraph (b): amended, on 19 August 2013, by section 9 of the Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20).

Section 14(1) **partnered woman**: replaced, on 1 July 2005, by section 6(1) of the Relationships (Statutory References) Act 2005 (2005 No 3).

15 AHR procedure defined

(1) In this Part, unless the context otherwise requires, **AHR procedure** means one of the following assisted human reproduction procedures (regardless of where, or how (for example, with whose help) the procedure is carried out):

(a) an artificial insemination procedure:

(b) a donor semen implantation procedure:

(c) a donor ovum or donor embryo implantation procedure:

(d) a donor semen intra-fallopian transfer procedure:

(e) a donor ovum intra-fallopian transfer procedure:

(f) a donor embryo intra-fallopian transfer procedure:

(g) an embryo (donor semen) intra-fallopian transfer procedure:

(h) an embryo (donor ovum) intra-fallopian transfer procedure.

(2) In this section,—

artificial insemination procedure means a procedure of artificial insemination of a woman where the semen used for the artificial insemination—

(a) is produced by a man who is not her partner; or

(b) is a mixture of semen part of which is produced by a man who is not her partner and part of which is produced by her partner

donor semen implantation procedure means a procedure of implanting in the womb of a woman an embryo derived from an ovum produced by her and fertilised outside her body by the use of semen produced by a man who is not her partner

donor ovum or donor embryo implantation procedure means a procedure of implanting in the womb of a woman (**woman A**) an embryo derived from an ovum produced by another woman (**woman B**) (whether or not woman B is woman A's partner), being an ovum that has been fertilised by the use of semen produced—

(a) by woman A's partner; or

(b) by a man who is not woman A's partner

donor semen intra-fallopian transfer procedure means a procedure of transferring into the fallopian tubes of a woman an ovum produced by her together with semen produced by a man who is not her partner

donor ovum intra-fallopian transfer procedure means a procedure of transferring into the fallopian tubes of a woman (**woman A**) an ovum produced by

another woman (**woman B**) (whether or not woman B is woman A's partner) together with semen produced—

(a) by woman A's partner; or

(b) by a man who is not woman A's partner

donor embryo intra-fallopian transfer procedure means a procedure of transferring into the fallopian tubes of a woman (**woman A**) an embryo derived from an ovum produced by another woman (**woman B**) (whether or not woman B is woman A's partner), being an ovum that has been fertilised by the use of semen produced by a man who is not woman A's partner

embryo (donor semen) intra-fallopian transfer procedure means a procedure of transferring into the fallopian tubes of a woman (**woman A**) an embryo derived from an ovum produced by woman A, being an ovum that has been fertilised by the use of semen produced by a man who is not woman A's partner

embryo (donor ovum) intra-fallopian transfer procedure means a procedure of transferring into the fallopian tubes of a woman (**woman A**) an embryo derived from an ovum produced by another woman, being an ovum that has been fertilised by the use of semen produced by woman A's partner.

Section 15: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

16 Application of Part

(1) This Part applies in respect of a pregnancy referred to in any of sections 17 to 22,—

(a) whether the pregnancy occurred before or after the commencement of this Part:

(b) whether or not the pregnancy resulted from a procedure carried out in New Zealand.

(2) This Part applies in respect of a child born of a pregnancy referred to in any of sections 17 to 22,—

(a) whether the child was born before or after the commencement of this Part:

(b) whether or not the child was born in New Zealand.

(3) Nothing in this Part affects the vesting in possession or in interest of any property that occurred before the commencement of this Part.

Compare: 1987 No 185 s 3

Section 16: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Rule about maternity

Heading: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

17 Woman who becomes pregnant is mother even though ovum is donated by another woman

(1) This section applies to the following situation:

(a) a woman (**woman A**) becomes pregnant as a result of an AHR procedure:

(b) the ovum or embryo used for the procedure was produced by or derived from an ovum produced by another woman (**woman B**).

(2) In that situation, woman A is, for all purposes, the mother of any child of the pregnancy.

Section 17: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Rule about when non-donor partner is parent

Heading: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

18 When woman's non-donor partner is parent, and non-partner semen donor or ovum donor is not parent

(1) This section applies to the following situation:

(a) a partnered woman (**woman A**) becomes pregnant as a result of an AHR procedure:

(b) the semen (or part of the semen) used for the procedure was produced by a man who is not woman A's partner or, as the case requires, the ovum or embryo used for the procedure was produced by, or derived from an ovum produced by, a woman who is not woman A's partner:

(c) woman A has undergone the procedure with her partner's consent.

(2) In that situation, woman A's partner is, for all purposes, a parent of any child of the pregnancy.

Section 18: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Rules about donors of genetic material

Heading: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

19 Partnered woman: ovum donor not parent unless mother's partner at time of conception

(1) This section applies to the following situation:

(a) a partnered woman (**woman A**) becomes pregnant as a result of an AHR procedure:

(b) the ovum or embryo used for the procedure was produced by, or derived from an ovum produced by, another woman (**woman B**).

(2) In that situation, woman B is not, for any purpose, a parent of any child of the pregnancy unless woman B is, at the time of conception, woman A's partner.

Section 19: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

20 Woman acting alone: non-partner ovum donor not parent unless later becomes mother's partner

(1) This section applies to the following situation:

(a) a woman acting alone (**woman A**) becomes pregnant as a result of an AHR procedure:

(b) the ovum or embryo used for the procedure was produced by or derived from an ovum produced by another woman (**woman B**) who is not woman A's partner.

(2) In that situation, woman B is not, for any purpose, a parent of any child of the pregnancy unless woman B becomes, after the time of conception, woman A's partner (in which case the rights and liabilities of woman B, and of any child of the pregnancy, are determined in accordance with section 23).

Section 20: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

21 Partnered woman: non-partner semen donor not parent

(1) This section applies to the following situation:

(a) a partnered woman becomes pregnant as a result of an AHR procedure:

(b) the semen (or part of the semen) used for the procedure was produced by a man (**man A**) who is not her partner.

(2) In that situation, man A is not, for any purpose, a parent of any child of the pregnancy.

Section 21: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

22 Woman acting alone: non-partner semen donor not parent unless later becomes mother's partner

(1) This section applies to the following situation:

(a) a woman acting alone becomes pregnant as a result of an AHR procedure:

(b) the semen used for the procedure was produced by a man (**man A**) who is not her partner.

(2) In that situation, man A is not, for any purpose, a parent of any child of the pregnancy unless man A becomes, after the time of conception, the woman's partner (in which case the rights and liabilities of man A, and of any child of the pregnancy, are determined in accordance with section 24).

Section 22: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Rights and liabilities if non-partner donor later becomes mother's partner

Heading: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

23 Non-partner ovum donor

If, in the situation to which section 20 applies, woman B becomes, after the time of conception, woman A's partner,—

(a) woman B has, in relation to any child of the pregnancy, the rights and liabilities of a parent of the child, but, in the absence of agreement to the contrary, those liabilities do not include liabilities incurred before woman B becomes woman A's partner:

(b) any child of the pregnancy has, in relation to woman B, the rights and liabilities of a child of woman B, but, in the absence of agreement to the contrary, those liabilities do not include liabilities incurred before woman B becomes woman A's partner.

Section 23: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

24 Non-partner semen donor

If, in the situation to which section 22 applies, man A becomes, after the time of conception, the woman's partner,—

(a) man A has, in relation to any child of the pregnancy, the rights and liabilities of a parent of the child, but, in the absence of agreement to the contrary, those liabilities do not include liabilities incurred before man A becomes the woman's partner:

(b) any child of the pregnancy has, in relation to man A, the rights and liabilities of a child of man A, but, in the absence of agreement to the contrary, those liabilities do not include liabilities incurred before man A becomes the woman's partner.

Compare: 1987 No 185 s 18

Section 24: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

25 Only first non-partner donor to later become mother's partner becomes parent

Despite sections 20(2) and 22(2), a person cannot become a parent of a child under one of those provisions if another person has already done so through the application of the other of those provisions.

Section 25: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Miscellaneous provisions

Heading: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

26 Conflicting evidence of paternity

Sections 18, 21, and 22 have effect despite—

(a) any conflicting evidence under section 8 that the man who produced the semen was the father of the child of the pregnancy:

(b) any conflicting declaration of paternity made under section 10 that the man who produced the semen was the father of the child of the pregnancy:

(c) any other evidence that the man who produced the semen was the father of the child of the pregnancy.

Compare: 1987 No 185 s 16

Section 26: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

27 Partner's consent is presumed

(1) In proceedings in which this Part is relevant, the consent of a partner (**partner A**) to the carrying out on his or her partner (**partner B**) of an AHR procedure that involves genetic material from a person who is not partner A, is, in the absence of evidence to the contrary, presumed.

(2) Every question of fact that arises in applying subsection (1) must be decided on a balance of probabilities.

Compare: 1987 No 185 s 17

Section 27: inserted, on 1 July 2005, by section 14 of the Status of Children Amendment Act 2004 (2004 No 91).

Schedule
Enactments amended

s 12(2)

Administration Act 1952 (1952 No 56) (1957 Reprint, Vol 1, p 40)

Amendment(s) incorporated in the Act(s).

Adoption Act 1955 (1955 No 93) (1957 Reprint, Vol 1, p 79)

Amendment(s) incorporated in the Act(s).

Births and Deaths Registration Act 1951 (1951 No 22) (1957 Reprint, Vol 1, p 591)

Amendment(s) incorporated in the Act(s).

Births and Deaths Registration Amendment Act 1955 (1955 No 30) (1957 Reprint, Vol 1, p 621)

Amendment(s) incorporated in the Act(s).

Births and Deaths Registration Amendment Act 1959 (1959 No 25)

Amendment(s) incorporated in the Act(s).

Births and Deaths Registration Amendment Act 1961 (1961 No 23)

Amendment(s) incorporated in the Act(s).

British Nationality and New Zealand Citizenship Act 1948 (1948 No 15) (Reprinted 1967, Vol 3, p 1645)

Amendment(s) incorporated in the Act(s).

British Nationality and New Zealand Citizenship Amendment Act 1965 (1965 No 72) (Reprinted 1967, Vol 3, p 1671)

Amendment(s) incorporated in the Act(s).

Child Welfare Act 1925 (1925 No 22) (1957 Reprint, Vol 2, p 4)

Amendment(s) incorporated in the Act(s).

Crimes Act 1961 (1961 No 43)

Amendment(s) incorporated in the Act(s).

Deaths by Accidents Compensation Act 1952 (1952 No 35) (1957 Reprint, Vol 3, p 845)

Amendment(s) incorporated in the Act(s).

Evidence Act 1908 (1908 No 56) (Reprinted 1965, Vol 3, p 1387)

Amendment(s) incorporated in the Act(s).

Evidence Amendment Act 1945 (1945 No 16) (Reprinted 1965, Vol 3, p 1422)

Amendment(s) incorporated in the Act(s).

Family Protection Act 1955 (1955 No 88) (Reprinted 1968, Vol 2, p 1569)

Amendment(s) incorporated in the Act(s).

Family Protection Amendment Act 1967 (1967 No 43) (Reprinted 1968, Vol 2, p 1580)

Amendment(s) incorporated in the Act(s).

Maori Affairs Amendment Act 1967 (1967 No 124) (Reprinted 1968, Vol 3)

Amendment(s) incorporated in the Act(s).

Marriage Act 1955 (1955 No 92) (1957 Reprint, Vol 9, p 365)

Amendment(s) incorporated in the Act(s).

Matrimonial Proceedings Act 1963 (1963 No 71)

Amendment(s) incorporated in the Act(s).

Mental Health Act 1969 (1969 No 16)

Amendment(s) incorporated in the Act(s).

Social Security Act 1964 (1964 No 136)

Amendment(s) incorporated in the Act(s).

War Pensions Act 1954 (1954 No 54) (1957 Reprint, Vol 16, p 477)

Amendment(s) incorporated in the Act(s).

Wills Amendment Act 1955 (1955 No 94) (Reprinted 1968, Vol 4)

Amendment(s) incorporated in the Act(s).

Workers' Compensation Act 1956 (1956 No 62) (Reprinted 1966, Vol 4, p 3323)

Amendment(s) incorporated in the Act(s).

Notes

1 General

This is a consolidation of the Status of Children Act 1969 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Family Court (Family Court Associates) Legislation Act 2023 (2023 No 25): Part 2 subpart 13

Births, Deaths, Marriages, and Relationships Registration Act 2021 (2021 No 57): section 147

Secondary Legislation Act 2021 (2021 No 7): section 3

District Court Act 2016 (2016 No 49): section 261

Marriage (Definition of Marriage) Amendment Act 2013 (2013 No 20): section 9

Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48): section 47

Status of Children Amendment Act 2007 (2007 No 83)

Evidence Act 2006 (2006 No 69): section 216

Relationships (Statutory References) Act 2005 (2005 No 3): section 6

Status of Children Amendment Act 2004 (2004 No 91)

Births, Deaths, Marriages, and Relationships Registration Act 1995 (1995 No 16): section 95

Status of Children Amendment Act 1990 (1990 No 15)

Official Information Amendment Act 1987 (1987 No 8): section 25(1)

Status of Children Amendment Act 1983 (1983 No 95)

Evidence Amendment Act (No 2) 1980 (1980 No 27): section 25

Judicature Amendment Act 1979 (1979 No 124): section 12

Status of Children Amendment Act 1979 (1979 No 112)

Status of Children Amendment Act 1978 (1978 No 8)

Tokelau Amendment Act 1976 (1976 No 122): section 3(8)

Status of Children Amendment Act 1971 (1971 No 132)

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