STATEMENT OF DR ANNE ELSE

Introduction

1. In addition to this witness statement, I have presented my book *A Question of Adoption*[1] to the Royal Commission. I am a writer, researcher and freelance editor. My book focused on adoption in New Zealand from 1944 until 1974 and was the first (and so far only) comprehensive history of post-war adoption in New Zealand.

Adoption and state care

Before 1945

2. From at least the 1920s on, there is evidence that in each era, engaging in heterosexual intercourse around the usual age of courtship and marriage (which declined steadily over time, then rose again) was common for New Zealand women and men.[2] In the 1920s, 20-25% of first births to married women occurred within eight months of marriage; the younger the bride, the more likely she was to be pregnant.[3] Before the end of the second world war, the most likely Pākehā response to a pre-nuptial pregnancy was marriage, ensuring that the child was born legitimate.[4] It should be noted, however, that until 1961 there were different procedures for recording Māori and non-Māori births. Analysis of rates of illegitimacy among Māori over time was not therefore possible before 1962.[5]

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[1] Else, Anne (1991). *A question of adoption: Closed stranger adoption in New Zealand 1944-1974,* Wellington: Bridget Williams Books.

2 From 1926 to 1947, by the time New Zealand women turned 27, never fewer than one in four had conceived a child outside marriage. This does not include women who aborted or miscarried. Given the odds against conception, it seems likely that at least half of these women had had sex outside marriage. Available evidence from the 1950s to 1970s indicates a similar pattern. See Else (1991), Table 2 and discussion, p. 2, also para 17 in this brief.

3 https://teara.govt.nz/en/marriage-and-partnering/page-3

[4] See Else (1991), Ch. 1, 'Becoming an unmarried mother'.

5 O'Neill, D.P., et al. (1976), Ex-nuptial children and their parents, Social Welfare Research Monograph No. 2, Wellington: Research Section, DSW, p. 35, p. 323.

Illegitimate children and state care

3. Before the 1940s, keeping an illegitimate child was seen as a fitting punishment for the mother's sin, with adoption mainly for a few special cases. Babies born to unmarried mothers without family/whanau support, including those whose mothers had tried but failed to keep them, were usually placed in state care. Others likely to be placed in state care included:

    (a) children of anyone parenting on their own (e.g. through divorce, desertion, or widowhood), who was unable to both support and care for their children;

    (b) children who were orphaned.

4. Babies usually went into foster care of some kind, whereas older children in these circumstances were often placed in private institutions such as church-run orphanages.[6] Despite their obvious lack of resources, and losing all rights of guardianship, the parents concerned usually had to pay maintenance to the state for their children. The assumption was that they had a moral obligation to pay; freeing them of the burden of care implied that they were then able to earn enough to do so. In 1939 the Society for the Protection of Women and Children protested about police prosecuting unmarried mothers because they had fallen behind in maintenance payments for their children in state foster care.[7]

5. Adoption, especially of babies, was not common before 1945. Adoptions rarely amounted to 2% of all live births in any given year. From 1920 to 1939, fewer than a third of adoptions were of children under 12 months old.[8]

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[6] See Else (1991), Ch. 3, 'The perfect solution'.
[7] Else (1991), p. 23.
[8] Else (1991), p. xi.

Adoption from 1945 onwards

6. Total adoption orders rose annually from 1945 to 1960, but still concerned only around 3% of annual live births. They began to rise more sharply from 1960–61, concerning around 5% to 6% of live births until 1971, but declined markedly throughout the 1970s. (See table below).

Table 1: Legal adoptions, 1943–79

	Year										
	1943	1944	1945	1955	1960	1965	1970	1971	1972	1974	1979
Total adoptions	577	1,313	1,191	1,455	1,880	3,088	3,837	3,976	3,642	3,366	2,200
Adoptions as % of live births	1.9%	3.91%	3.22%	2.92%	3.39%	5.14%	6.18%	6.17%	5.76%	5.67%	4.21%
Adoptions known to Child Welfare Division/DSW	*	1,065	1,151	1,366	1,796	2,837	3,362	3,231	3,280	3,366	2,200
Adoptions involving ex-nuptial births	*	903	973	1,062	1,377	2,429	2,831	2,674	2,713	2,391	1,375
Adoptions by strangers	*	*	*	984	1,327	2,162	2,286	2,176	2,136	1,821	845
Adoptions of children under 1 year old	*	*	*	849	1,321	2,503	2,969	2,872	2,892	2,474	1,258

* not available

Source: Derived from tables compiled by K. C. Griffith (1981) from *New Zealand Yearbook* and Dept of Social Welfare statistics.

7. The majority of adoptions involved 'ex-nuptial' children, adopted by unrelated 'strangers'. Although statistics on adoptions by strangers were not completely accurate, the peak year in percentage terms appears to have been 1962, when such adoptions made up almost 78% of total adoptions, declining thereafter. The last year in which adoptions by strangers made up more than half of all adoptions was 1974. [9]

Why the growth in adoption?

8. The growth of adoption was due in part to the circumstances of war. The second world war increased both ex-nuptial and extra-marital births and the incidence of

[9] Ibid.

marital infertility, by accelerating courtship, eliminating, undermining or delaying marriage, and damaging men's reproductive potential.

9. These circumstances were one driver of the post-war shift in attitudes to illegitimate children born to single mothers. Adoption came to be seen as the perfect solution to this longstanding problem, for all those involved. In theory it focused on what was best for the children, transferring them to permanent, loving new homes with married parents, at no ongoing cost to the state. Their mothers, now seen as making a mistake rather than committing a sin, were left free to carry on with their lives – including marriage and legitimate motherhood. Given the lack of any specific state support for unmarried mothers, many, especially younger women, had no other realistic option. Moreover, they believed (or were persuaded) that their children would be genuinely better off with new married parents.[10]

The 1955 Adoption Act and increasing state involvement

10. From the 1940s to 1955, although adoptions required social worker approval, most legal adoptions (excluding whāngai arrangements involving Māori children) were arranged either through private individuals (e.g. the mother herself, other family members, doctors, or clergy), or more commonly through the various 'homes' housing unmarried mothers (and often also providing maternity care in general).

11. The 1955 Act was intended to ensure much more comprehensive state involvement, on the basis that this would be beneficial for all concerned. Social workers were required to visit all unmarried pregnant women or birth mothers and ensure they made a good decision for the child's future; approve all applicants to adopt, match them with available children, and arrange for them to take the child home once the mother had consented; report to the family court at the interim order hearing; and oversee the placement until the final order was made, again reporting at the hearing.

[10] See Else (1991), Ch. 5, 'Making a wise decision'.

Over time, most adoptions came to be arranged by social workers, rather than simply being approved by them.

12. The 1955 Act was designed to promote adoption by unrelated strangers by ensuring a 'complete break' between the child's birth family and adoptive family. It provided for birth mothers to sign consent ten days after birth, one of the shortest periods in any country permitting adoption. A new consent form enabled the adopters' identities to be concealed from the mother (rather than simply being hidden by the solicitor). It also meant the birth mother had almost no time to explore other options. The only legal right the mother had with regard to her child was to stipulate what religion he or she was to be brought up in (although she had no way of knowing whether this was adhered to). The mother was the 'natural parent' (see below); by default, only her consent to the adoption was legally required (although this could be dispensed with in some circumstances).[11]

13. The birth father's consent was not required unless the court deemed it necessary, for example, if he had signed the birth certificate or contributed financially. This was because the key legal difference between legitimate and illegitimate children was that the custody and guardianship of a legitimate child were vested in the father. As long as the married father and mother were living together, the mother had no right of guardianship (although she could appoint a guardian to act jointly with the father

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11 The main grounds for dispensing with consent of the parent (almost always the birth mother) or guardian in relation to adoption, as set out in Section 8 of the Adoption Act 1955, are where the court is satisfied that the parent or guardian has abandoned, neglected, persistently failed to maintain, or persistently ill-treated the child, or failed to exercise the normal duty and care of parenthood in respect of the child; or the parent or guardian is unfit, by reason of any physical or mental incapacity, to have the care and control of the child, and the unfitness is likely to continue indefinitely. Consent can be dispensed with on these grounds 'notwithstanding that the parent or guardian may have made suitable initial arrangements for the child by placing the child under the care of the authorities of a children's home, the chief executive, or some other person'.
http://www.legislation.govt.nz/act/public/1955/0093/latest/whole.html?search=sw_096be8ed81810397_consent_25_se&p=1#DLM293149

after her death). An illegitimate child with no legal father was 'filius nullius', the child of no one.[12]

14. This aspect of the law proved highly significant in cases where the birth mother was Pākehā and the father was of Māori heritage. Māori social workers recalled many cases where the birth father's family, especially the grandparents, wanted to adopt the child, but had no standing and were not permitted to do so. Social workers instead sought unrelated Pākehā (or in some cases Māori) adopters. Yet such adopters were known to be difficult to find, and the difficulties worsened rapidly in the 1960s (see 'Mixed race children', below).[13]

15. Consent after ten days enabled adopters to take the baby home around the same time as other parents, before they had obtained the first interim adoption order. They then had up to 12 months to apply for the final order. During this time the birth mother remained the child's legal guardian, but few birth mothers knew this; it was rare for anyone to explain the law to them in any detail, and they were routinely led to believe that consenting to adoption completely ended their connection with the child.[14] Although the legislation appeared to provide for withdrawal of consent, in practice the wording ensured that this was rarely achievable.

16. The 1955 Act also provided for a new birth certificate showing the adopters as the birth parents, and prevented access to the original birth certificate except in very narrow circumstances. However, adopters who wished to know the mother's name were often able to do so, as it was shown in the consent and the court documents, as was the child's original name.

17. Social workers recorded details regarding the child, the birth mother and sometimes the father in order to match them with applicants. These details were not always

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12 https://teara.govt.nz/en/1966/children-law-relating-to/page-2;
Else (1991), Chapter 12, 'I hereby consent'; see also Else, A. (1995), 'Legal fictions: women and New Zealand law on adoption and assisted reproductive technologies', The Australian Feminist Law Journal 5, 65–80.

13 See also Else (1991), Chs 10 and 11 on placing children; Ch. 16, 'Aureretanga: the outcry of the people'.

14 Else (1991), Ch. 12.

accurate, particularly where the child was of 'mixed race', and did not include information on Māori whakapapa.

'Too many babies'

18. Throughout the 1960s, applications to adopt remained high. However, demographics were changing rapidly. The post-war 'baby boom' saw the number of young people double between the late 1940s and early 1970s.[15] The typical age for becoming sexually active fell along with the typical age of first marriage (down to 20 by 1971).[16] The likelihood of an ex-nuptial conception being followed by marriage also declined: by 1962, fewer than 50% of extramarital conceptions were followed by marriage before the birth, and by 1972 this was down to 39%.[17]

19. These factors, combined with young people's scanty knowledge of reproduction and the legal blocks on their access to contraception, or even information about it, meant that the numbers of unmarried women giving birth rapidly increased.[18] The ratio of ex-nuptial or illegitimate births[19] as a proportion of all live births nearly doubled between 1962 and 1972, from just over 8% to nearly 15%. [20] However, a growing proportion of technically ex-nuptial births were to stable de facto couples. Among Māori families, such relationships had long been common, and were a major factor in

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15 Garlick, T. (2012), Social developments: an organisational history of the Ministry of Social Development and its predecessors, 1860–2011, Wellington: Ministry of Social Development, p.62.

16 Else (1991), p.5. In 1971, when marriage rates peaked, the median age at first marriage was 23.0 years for men and 20.8 years for women. That year teenagers made up 32% of all women marrying for the first time. http://archive.stats.govt.nz/browse_for_stats/people_and_communities/marriages-civil-unions-and-divorces/MarriagesCivilUnionsandDivorces_HOTPYeDec12/Commentary.aspx#New

17 O'Neill et al. (1976), p. 66.

18 Following the Mazengarb Report's release in 1954, an amendment to the Police Offences Act made it an offence for those under 16 to procure a contraceptive, or for anyone to give or sell them a contraceptive or instruct or persuade them to use one. See Else (1991), p.4.

19 Although the Status of Children Act 1969 abolished the legal term 'illegitimate', it continued to be used alongside 'ex-nuptial', particularly in comparing statistics over time, including in O'Neill et al. (1976).

20 NZ Monthly Abstract of Statistics, November 1973.

the high rate of 'illegitimacy' among Māori. In 1971, over 30% of Maori births were classified as 'illegitimate', compared with 11% of non-Maori births.[21]

'Matching for marginality'

20. There had always been 'market forces' operating in matching children and applicants, whereby the 'best' applicants were offered the 'best' children, and those applicants perceived as marginal were offered the less desirable children. 'Matching for marginality' in this way could also operate in relation to the choice of foster parents (who in some cases later adopted the child).[22]

21. These market forces operated particularly strongly in the 1960s, when 'too many' babies became available for adoption. It became more and more difficult to find an adoptive home for any child who was even slightly 'different' in some way. Factors included race (not fully 'European' – most of those applying to adopt were Pākehā); appearance (darker-skinned, red-haired, any other unusual feature including deformity or disability); age (more than 1–2 months old); health (major or minor problems); or dubious parental background of any kind (including being working class).[23] Simply being male could also put off prospective adopters, who traditionally preferred girls. By the late 1960s, lists of hard-to-place children were being circulated to all Child Welfare district offices.[24] Adoption was clearly not working as intended.

22. The birth mother was on principle told very little, if anything, about her child's prospective adopters, who had usually already seen the child before the mothers signed consent. The choice was theirs, not hers. Awkward facts about the adopters

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[21] O'Neill et al. (1976), p.35.

[22] See Else (1991), p.109, for an account of this process, whereby 'adoptions resulting from foster placements which themselves resulted from the failure to find adoptive parents could demonstrate another kind of "matching for marginality".'

[23] See Else (1991) for examples. O'Neill et al. (1976), Table 9, p. 449, summarises data obtained from mothers on 'Adoption Placement Problems'. In 38 cases, mothers 'definitely wanted the baby adopted, but a placement could not be made'. Although 'Race' is listed as applying in only 5 cases, it could also have been present where other or no reasons were given, but not mentioned to the mother. It is also likely that delays in placement might have applied in more cases, without reasons or problems being mentioned to the mother.

[24] Else (1991), p. 109.

were routinely concealed. Even if mothers were concerned about what they were told, they had no opportunity or standing to object, and those who tried were likely to be strongly rebuked.[25]

A snapshot of what happened to ex-nuptial children

23. A major Department of Social Welfare report published in 1976 sheds light on what became of ex-nuptial children born in 1970. The report's data came from Child Welfare officers (i.e. social workers), who collected information by personally surveying a sample of 3,706 children from the total of 7,525 ex-nuptial births notified to Child Welfare that year by either the Registrar of Births or the hospital. (The official statistics showed that overall, there were in fact 8,332 ex-nuptial births.) The survey was facilitated by officers having a statutory obligation to investigate the circumstances of all unmarried mothers and their children where such births were notified. Where children were to be placed for adoption, a social worker was already dealing with the mother before or immediately after the birth and spoke to her about the survey. In other cases, the officer visited the mother in her own home as soon as possible after Child Welfare was notified and asked her if she would co-operate with the survey.[26]

24. The survey in fact provided information about 84% of the selected sample of 3,706 children – a total of 3,445 children (53 of whom had died) and their mothers (5 of whom had died). The report explained that for the remaining 261 children initially selected (16%), no data was able to be obtained, mainly because the mother concerned could not be located or refused to take part. It noted that this group was likely to include a disproportionately high number of Māori children, because those surveyed included significantly fewer Māori children than would be expected in a random sample of ex-nuptial births.[27] This, together with the data on placement

[25] Else (1991), p. 105.
[26] O'Neill et al. (1976), p.148.
[27] Of the 8,332 ex-nuptial births known to have taken place in 1970, 29% of the children born were officially classified as Māori. In the survey sample, 25% (846) were reported to be Māori. See O'Neill et al. (1976), Table 6.2.2, p. 174. However, attribution of ethnicity was highly problematic at that period. Table 2.3.1, p. 26, derived

below, supports Maria Haenga-Collins' findings that among ex-nuptial children of Māori heritage, those with Maori mothers were much less likely than those with Pākehā mothers to be made available for legal adoption by strangers, or indeed to have any contact with Child Welfare.

25. The report includes information on where the children were known to be placed at the end of the inquiry, by which time their ages ranged from 1 month to 24 months. This information was supplied by the mother and verified by the social worker.

Table 7.2.1 PLACEMENT OF THE CHILDREN AT THE END OF THE ENQUIRY*

Placement Situation	Number	Percentage
Placed for adoption - not with relatives	1,054	30.6%
Placed for adoption - with relatives	57	1.7%
With mother - legitimated by marriage to child's father	146	4.2%
With mother - 'legitimated' by marriage to someone other than the father	11	0.3%
With mother - cohabiting with father	858	24.9%
With mother - cohabiting with another male	8	0.2%
With mother - not cohabiting	1,069	31.0%
With other relatives	100	2.9%
In licensed foster home	52	1.5%
In hospital or institution	22	0.6%
Committed to the care of the Superintendent of Child Welfare	15	0.4%
Died	53	1.5%
Total	3,445	100.0%

*The 261 cases where the child could not be traced have been excluded from this table as data were not available on their placement situation.

Sig 16*

from national statistics, showed that among the children of non-Māori mothers, 165 were classified as Māori. However, 88 children of Māori mothers were classified as non-Māori. A later table (Appendix Table 4, p. 446) listed data gathered by officers on the ethnicities of all children surveyed. The 'European' category included two groups: the 1,833 children who were 'Full European', plus 422 who were '¾ European, ¼ Māori'. The 846 classified as 'Māori' ranged from 'Full Māori' to 'Māori–Other blends'.

(a) Adopted:

Overall, 32% of these children had been adopted (including 1.7% adopted by relatives). The children most likely to have been placed for adoption had mothers who were younger, had higher educational achievement, and/or had higher occupational status. A high 75% of mothers living in institutions or home help situations during the last two months of pregnancy placed their children for adoption. Placement for adoption was least likely among children of Maori mothers.

(b) Living with mothers or relatives:

A total of 31% (almost as many children as were adopted) remained with a non-cohabiting mother, and 25% remained with a mother cohabiting with the father. Most Māori mothers (almost 77%) had their child with them, as did over 68% of mothers of 'other races'. Among 'European' mothers, fewer than half (47%) had their child with them. Another 4.5% of children had been legitimated by the mother's post-birth marriage to the father or to another man. A small group, 2.9%, were with other relatives (e.g. grandparents); over half (54%) of these children were Māori.

(c) Children in state care:

A total of 2.5% (89) of the 3,445 children surveyed were in licensed foster homes, hospitals or institutions, or committed to the care of the Superintendent of Social Welfare. It should be noted that in contrast with adoption, such placements did not necessarily mean that the mother permanently lost legal guardianship of her child.

(d) Intended final placements

A subsequent section of the report[28] covered what the mother said she *intended* the child's permanent situation to be. The report suggested that

[28] O'Neill et al. (1976), pp. 232–4, including Table 7.2.2, p. 233.

while some mothers had planned the intended change of placement in detail, others 'may well have responded with very vague intentions or an idealised response not based on the realities of the situation'.[29] For the large majority (81%) of children, the mothers intended their placements at the close of the survey to be permanent. This included all of the 1,111 adopted children, and almost all of the 1,935 children living with their mothers. Only 22 of the 52 children in foster homes were seen as permanently placed. For 16, the mother intended to legitimate them; 6 non-cohabiting mothers intended to take them back; and another 6 intended them to be adopted. Only 2 of the 22 children in a hospital or institution were intended to stay there; 18 of the mothers intended to have the child live with them. However, for 13 of the 15 committed to the Superintendent's care, this placement was intended to be permanent.

How ex-nuptial children could enter state care

26. It is not clear exactly how ex-nuptial children in general entered the three state care placement situations of licensed foster home, hospital/institution, or care of the Superintendent. Various pathways were possible. Four of these need not involve the mother agreeing to make the child available for adoption or consenting to a particular adoption. These pathways are discussed below.[30]

(a) **Death of the mother resulting in state care**:

Single mothers were disproportionately likely to die during pregnancy or within three months of the birth. For example, in 1972 they made up 15% of all women giving birth, but close to a third of those who died.[31]

(b) **Entering state care by default:**

[29] O'Neill et al. (1976), p. 232.

[30] No clear overall statistics are available regarding numbers of ex-nuptial children entering state care by any of these four pathways, or the pathways involving adoption discussed below.

[31] See Else (1991), p. 82.

On occasion the mother left her child in the hospital or maternity home, and could not be found. In some such cases she had agreed in principle, before or soon after giving birth, to make the child available for adoption, but had not signed any formal consent. These 'abandoned' children would be officially placed in state care, although some would be adopted later.

(c) **Mother or guardian consenting to state care:**

Children could come into state care because their mothers or guardians had themselves placed the child directly into the care of the state. This could also occur as a result of intervention by Child Welfare (later Social Welfare) (see below).

(d) **Taken into state care by Child Welfare:**

Another pathway into state care involved welfare officers, who required by statute to investigate illegitimate births, in order to ensure that 'adequate provision was made for the child and for the mother where necessary'. They were also required to report on cases where children were 'living in an environment detrimental to their physical or moral well-being'. An adverse report could be followed by a court application, which could result in the child being placed 'under the supervision of a child welfare officer'. Alternatively, the child could be committed:

> *'to the care of the Superintendent of Child Welfare, in which case [the court] makes an order specifying the religion in which he is to be brought up. The Superintendent becomes the guardian of all children committed to his care; they are not permanently maintained in an institution unless it is unavoidable, but are placed in a foster home.'*[32]

Officers were responsible for their subsequent placement in foster homes or institutions.

[32] https://teara.govt.nz/en/1966/children-law-relating-to/page-2

Entering state care as a result of adoption failure

27. Children could also come into state care after their mother had consented to an adoption. Before or after birth, birth mothers could agree in principle to their child becoming available for adoption, but this had no legal force. They could not legally consent to adoption in general; they consented to an adoption by particular applicants who had been pre-approved by a social worker to adopt, then matched with a particular child.

28. In some cases the planned adoption later broke down in some way – i.e. the adopters did not seek an interim adoption order, returned the child after getting an interim order, did not seek a final order within the next 12 months, or had the adopted child removed from their care, willingly or unwillingly, for some reason (such as abuse, neglect, or simply 'adoption breakdown'). In such cases the child was almost never returned to the birth mother, although she continued to be the child's legal guardian until the final adoption order was made. Instead the child was placed in the care of the state, and again became available for adoption, requiring another consent from the mother if new parents were found. In some cases, children could be returned more than once (e.g. for being 'too dark' after being flown to two sets of adopters 'sight unseen').[33]

29. Child Welfare did not collate statistics or records of cases in which the child was removed, the interim order was not applied for, was allowed to lapse, or was revoked, or the adoption placement broke down in some other way before or after the final order. As a result, only limited small scale studies are available. Two Child Welfare Research Section studies looked at a total of 44 such cases, in 1968 and 1969. A later research project focused on 80 cases of adoption breakdown.[34] In a number of cases, social workers had tried to prevent the courts approving the placement or the interim or final orders but had been over-ruled. Social workers who

[33] Else (1991), p. 135.
[34] Zwimpfer, D. (1978), 'Early indications of adoption breakdown', unpublished MA (Applied) thesis, Social Work, Victoria University of Wellington.

disapproved of a planned adoption were rarely heeded by the courts. Magistrates seemed to prefer to trust their own on-the-spot judgement of the applicants rather than the social worker's report, where the two conflicted. Knowing this, social workers recommended against an order only when they had concrete grounds, or very strong feelings; however, the adoption usually proceeded regardless.[35]

30. Given the operation of 'market forces' in adoption (see paras 19–20, 34–35), once 'too many babies' became available, some children whose mothers had agreed to make them available for adoption would not have been placed with adopters at all. Instead they would have come into state care, with or without the mother's consent, and been placed in foster homes.[36]

'Mixed race' children

31. Throughout the 1950s and 1960s, degree of 'Maoriness' was the only statistic officially recorded regarding the race of all children, whether nuptial or ex-nuptial, born in New Zealand.[37] Pākehā social workers dealing with ex-nuptial children available for adoption created their own records. For children known or believed to be Māori, the focus was on the extent to which 'Maoriness' showed in the child's appearance. Where the child was known or believed to have Māori heritage, it appears that Pākeha social workers did not ask about or record any information regarding whakapapa or turangawaewae.[38] Other ethnicities were also recorded by Pākehā social workers, but not always accurately, particularly where the mother was Pākehā.

32. The difficulties of finding adoptive homes for children of 'mixed race', particularly where this clearly 'showed' in the child's appearance, are well recorded in archives

[35] See Else (1991), pp. 132–4.
[36] O'Neill et al. (1976), Table 9, p. 449, 'Adoption Placement Problems', shows that in the 38 cases where a placement could not be made (see Note 23), 10 of these children remained with their single mothers; others went to relatives or into state care of some kind. See also accounts of such cases in Else (1991).
[37] O'Neill et al. (1976), p.173.
[38] Else (1991), Ch. 8, 'Matching them up'; Ch. 16, 'Aureretanga'.

and oral histories.[39] There are strong indications that this was a significant reason for adoptive parents not being found, or the adoption breaking down and the child subsequently entering state care, well before the 'surplus' of babies developed. As early as 1956, one Child Welfare district explained that there was a shortage of babies of the right kind, but a glut of the wrong kind:

'Our waiting list [of those wanting to adopt] is nearly 500 strong and we have only about 80 babies a year to place. This includes all the part-Maori ones, of which sort we have had and can expect to have far too many…' [40]

33. Many mothers of 'mixed race' children, including Māori children, knew that adoption would be more difficult to achieve.[41] As Maria Haenga-Collins has shown, in the case of children with Maori heritage, it was those with Pākehā mothers rather than Māori mothers who were more likely to made available for adoption by strangers, or to enter state care if adopters could not be found.

Post-1972

34. By 1972, there was growing pressure on the government from various sources to provide help for unmarried mothers, including those dealing directly with them, who saw the suffering of those who gave up their children, and the hardships faced by those determined to keep them. There was also increasing activism by groups of sole mothers themselves, well reported in the media.

35. In 1973, the government introduced the domestic purposes benefit (DPB), available as of right to sole parents who met the criteria – mainly formerly married mothers (other than widows, who were already eligible for a benefit) and never married mothers with insufficient income. The state, in effect, stepped in to replace the

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[39] 'Race' is listed for only 5 of the 38 cases where adoption placement problems are recorded by O'Neill et al. (1976), Table 9, p. 449; but it could also have been a factor where other or no reasons were given, although not mentioned to the mother. It is also likely that delays in adoption placement might have applied in more cases, without reasons or problems being mentioned to the mother. See Else (1991) for other detailed instances of race being a major problem in finding adopters.

[40] Letter, Child Welfare adoption files, Christchurch, quoted in Else (1991), p. 80.

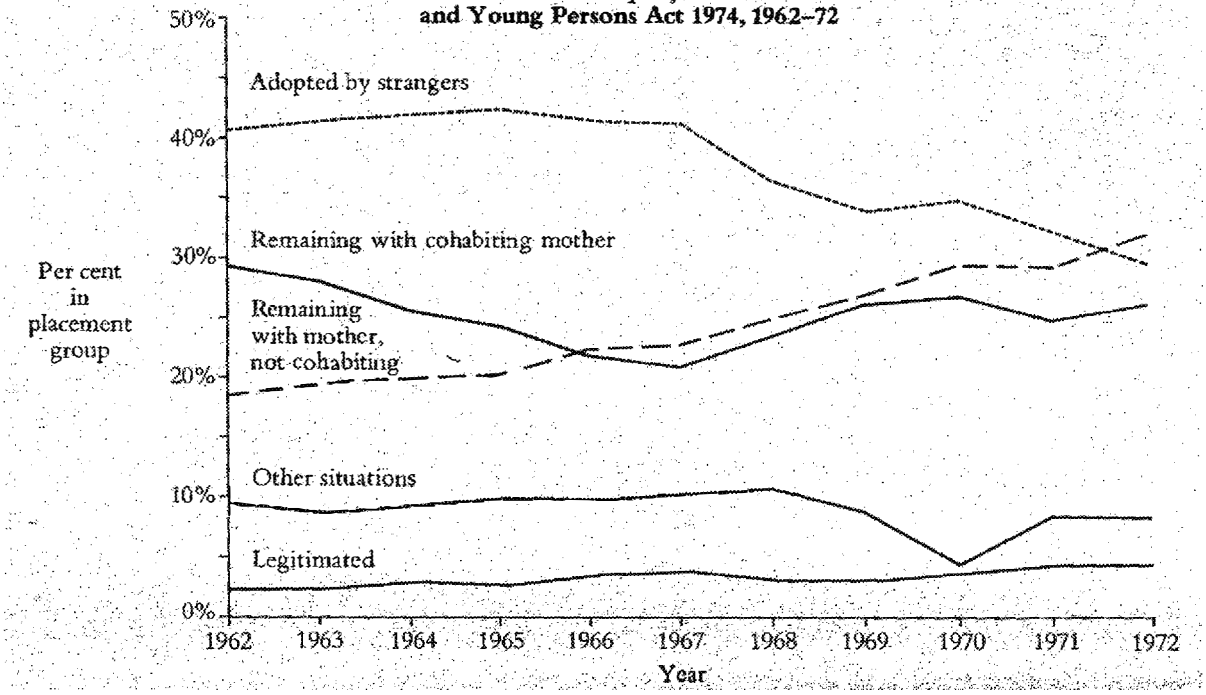
[41] See, for example, Else (1991), p. 79.

missing male breadwinner (or the missing adoptive parents), albeit at low rates of payment.

36. By 1973 there were once again 'too few' babies available for adoption. Yet the numbers of children born out of wedlock had risen by over 65% in a decade.[42] Those strongly in favour of adoption blamed the DPB for encouraging immorality and creating the 'shortage' of babies.

37. The DPB was not the main reason for more unmarried mothers keeping their children, with or without a de facto partner (see Figure 2). The decline in babies being made available for adoption was already well under way. Moreover, many sole mothers continued to be unaware of the benefit.[43] Giving up babies either to other parents or to the state was overwhelmingly the result of mothers' circumstances and their wish to do the best for their child, regardless of their own feelings. As soon there were more opportunities, however precarious, to keep their children, this is what most mothers chose to do.

Figure 2: The placement of illegitimate children at the time of the social worker's enquiry under section 10 of the Children and Young Persons Act 1974, 1962–72



[42] Else (1991), p. 159.

[43] See Society for Research on Women in New Zealand (1977), *What shall I do? The unmarried mother's decision,* SROW, Auckland.

Concluding remarks

38. For Māori children, being removed from their whanau through either stranger adoption or state care was extremely likely to cut them off from their personal whakapapa and their Māori heritage generally, based as these are on connection and place. Maria Haenga-Collins has explored such cases and their consequences in depth, including through first-hand experiences. She discusses parents and children caught up in an almost completely Pākehā system.

39. Those administering this system can be seen as not knowingly and deliberately setting out to cut Māori children off from their whakapapa and heritage (although there did often seem to be a strong perception that being taken into a Pākehā family would be in the child's best interests – despite widespread awareness that this could be very difficult to achieve, leaving the child at high risk of multiple foster homes). Rather, the system and those who administered it were completely blind to the value and crucial importance of these forms of knowledge for Māori. Instead they viewed 'Maoriness' through an intrinsically racist, limited lens, as consisting mainly of degrees of skin colour, in a context of negative Pākehā reactions to Māori in general. They then focused on doing their best in that context for these inevitably hard-to-place children – with drastic consequences.

40. The passing of the Adult Information Act in 1985, after seven years of debate, provided adopted people and their birth mothers with opportunities, albeit still severely limited, to reconnect. The high numbers taking advantage of this legislation testify to its importance. However, for many Māori, it proved impossible to unearth the whakapapa knowledge they lacked. Maria Haenga-Collins explores this issue in great depth.

41. The form of adoption outlined above is still legally in place. None of the Acts concerning or related to adoption include the overarching principle that the welfare

and best interests of the child are to be the paramount consideration. Nor do they clearly recognise children's rights, or rights of birth family members. In these respects, and many others, both the Adoption Act 1955 and the Adult Adoption Information Act 1985 are seriously outdated and in need of thorough reform. Despite repeated calls for such reform from many sources, including the United Nations, successive governments have shied away from undertaking it.

42. Meanwhile, high numbers of Māori babies are currently being removed from their mothers, based on decisions made by Oranga Tamariki before or soon after their birth. The number of Māori babies taken into state care within three months of birth increased from 129 in the year to June 2016 to 160 in both 2017 and 2018 (years to June), Numbers of babies of all other ethnicities taken into state care increased only slightly in the same period, from 118 to 121.

Signed: GRO-C

Date: