



20 January 2023

Tēnā koe

On 15 December 2022, you emailed the Ministry of Social Development (the Ministry) requesting, under the Official Information Act 1982 (the Act), the following information:

- *Regarding adopted people who gave evidence of abuse to the Royal Commission on Abuse in Care:*
- *Would you please provide your official policy on the reparations and claims process for people who were abused in the adoptive home the State delivered them into?*

On 20 December 2022, you emailed the Ministry to request further information as follows:

- *Why have people adopted under the 1955 Adoption Act and subsequently abused in their adoptive homes been excluded from receiving compensation?*
- *If this is not the case why is adoption not included in all material as an eligible category?*

The Ministry administers a claims process for those who, prior to 1 April 2017, have been in the care of the State (or have come to the notice of the State) and believe they were harmed as a result of abuse or neglect while in care.

The focus of the process is on the State's role in that abuse, which includes acts or omissions carried out by the State's agents - such as social workers, residential staff members, foster parents and employees of contracted care providers.

The eligibility criteria for the Ministry's claims is available on page 7 of the Historic Claims Business Process Guidance (version 2.5), here: www.msd.govt.nz/documents/about-msd-and-our-work/work-programmes/historic-claims/msd-historic-claims-business-process-guidance.pdf. One of the key criteria is that a person has been in the care of the State, or has come to the notice of the State.

For people who have been adopted, they are eligible to lodge a claim if they have any concerns about the role of the State prior to, after, or in their adoption. Adoption was one of a number of functions that the State was responsible for in respect of children, and the Ministry's claims eligibility criteria encompasses adoption concerns.

This could include situations such as the following:

- Where social workers did not comply with the relevant social work policies of the day in assessing prospective adoptive parents;
- Where social workers were required to monitor the placement for a period of time immediately after the adoption, but did not do so;
- Where a person was in the care of the State prior to being adopted and has concerns about abuse and neglect during that period;
- Where during an adoption placement, the State became aware of concerns about the placement and did not take appropriate steps to properly investigate the concerns.

The Ministry is generally unable to take abuse experienced during adoptive placement into account as part of a settlement offer. This is because the State is not legally responsible for the actions of biological or adopted parents.

Further information about the Historic Claims process and eligibility criteria is available on the Ministry's website, here: www.msd.govt.nz/about-msd-and-our-work/work-programmes/historic-claims/index.html.

The principles and purposes of the Official Information Act 1982 under which you made your request are:

- to create greater openness and transparency about the plans, work and activities of the Government,
- to increase the ability of the public to participate in the making and administration of our laws and policies and
- to lead to greater accountability in the conduct of public affairs.

This Ministry fully supports those principles and purposes. The Ministry therefore intends to make the information contained in this letter and any attached documents available to the wider public. The Ministry will do this by publishing this letter on the Ministry's website. Your personal details will be deleted, and the Ministry will not publish any information that would identify you as the person who requested the information.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with this response regarding Historic Claims eligibility criteria, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui



Delwyn Clement
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Historic Claims