

Separations highlight problems in family law, relationship property report says

Media release: **Under embargo until Tuesday, 12 November 2019**

People in their forties and in relationships of between 10 to 20 years are most likely to separate, with three-quarters of New Zealanders getting divorced because they fell out of love, according to the [New Zealand Relationship Property Survey 2019](#).

Extra-marital affairs were the second main cause, followed by unreasonable behaviour. Another trend identified in the research is the increasing number of separations and section 21 pre-nuptial agreements of those over 50 years old, the so called “silver splitters”.

Produced by business advisory firm Grant Thornton New Zealand and the New Zealand Law Society’s Family Law Section, the research is based on the views of over 250 law practitioners and builds on the previous survey undertaken in 2017.

“The New Zealand Relationship Property Survey 2019 offers many useful insights into the practice of relationship property law,” says Kirsty Swadling, Chair of the Family Law Section.

“The survey results show a significant decrease in lawyers undertaking relationship property work on legal aid. Forty-four per cent of participants have ceased doing legal aid for relationship property matters in the last two years. This is consistent with concerns about access to justice in the civil courts, publicised earlier this month and highlights concerns about the impact on the public’s access to justice in relationship property matters. Twenty-five per cent of lawyers indicated encountering problems due to the inequality of financial resources as between parties to pursue the resolution of their relationship property matters.

“This survey also indicates broad agreement by the legal profession with the Law Commission’s recommendations for reviewing the Property (Relationships) Act 1976. This includes a recommendation that if one partner owned the family home before the relationship, only the increase in value during the relationship should be shared.

“Many lawyers also agree with the Law Commission’s proposed income sharing arrangements after separation where there are children involved or the relationship has lasted more than ten years.

“Lawyers involved in relationship property matters engage a range of experts. Valuation professionals remain the “go-to” advisors for relationship property lawyers.

“A significant number of practitioners also obtain legal opinions from senior counsel, further enhancing the quality of advice they can provide their clients.”

“This survey is the most comprehensive of its kind,” says Jay Shaw, Partner, Financial Advisory Services at Grant Thornton New Zealand. “It demonstrates that relationship property practitioners continue to undertake some of the most significant legal

work for most New Zealanders when it comes to their assets and offer high levels of experience and related expertise in this complex area.

“The survey shows that family lawyers have been busy and are expecting to get busier. It’s great we have this report to help build awareness into the practise of relationship property law and identify the challenges lawyers working in this space and the people they advise are facing”.

The [New Zealand Relationship Property Survey 2019](#) can be downloaded here.

ENDS

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Notes to editors:

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