

Relationship Property Division in New Zealand: The Experiences of Separated People

Descriptive Research Report

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Please note: This Descriptive Research Report sets out top-line descriptive research findings. Further in-depth and more complex analyses will be undertaken to investigate particular issues and examine possible interactions between variables to more fully understand separated people's experiences when dividing their property. Further targeted publications will be forthcoming.

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We also wish to express our sincere appreciation to Helen McQueen, Deputy President, and Nichola Lambie, Principal Legal and Policy Adviser, at Te Aka Matua o te Ture | Law Commission for their role as advisers to this project. Many thanks too to Nicola Liebergreen (Assistant Research Fellow) and Blair Hughson (Core Development) for their invaluable contributions to this research.

Finally, we would like to thank the 378 participants from throughout New Zealand for the contribution of their views and experiences on post-separation relationship property division. Such research has not previously been conducted in New Zealand, yet understanding New Zealanders' experiences is vitally important to future law reform endeavours and the ways that family justice professionals can best assist people to divide their property.

Introduction

Background

The Matrimonial Property Act 1976 represented a significant and long-awaited step in the development of relationship property law in New Zealand. The Act was subsequently amended in 2001 and 2005 to extend its application beyond married couples to de facto partnerships and civil unions. Now known as the Property (Relationships) Act 1976 (PRA), it establishes the rules for how the property of two partners is divided when they separate or when one of them dies. The underpinning principle is that ‘relationship property’, as defined by the Act, should be divided equally between the two partners when their relationship ends (the ‘equal sharing law’). Despite dramatic demographic and social changes over the past four decades, including the ways in which relationships and families form and function, the PRA has not been comprehensively reviewed since its inception.

On 24 May 2016 Te Aka Matua o te Ture | Law Commission (the Commission) commenced a project examining New Zealand’s relationship property legislation to see if it still met the needs and expectations of diverse families in contemporary society. Under the leadership of Helen McQueen (Deputy President), the Commission consulted widely with the general public, academics, practitioners, other experts and community groups as part of its review. In October 2017 the Commission published an Issues Paper,¹ a Study Paper,² and a Consultation Paper³ aimed at non-expert readers. In November 2018 the Commission published another Issues Paper⁴ outlining its preferred approach and proposed recommendations for reform. The Commission’s final report to the Minister of Justice, setting out its final recommendations, was published in June 2019.⁵

The lack of an evidence base informing relationship property division by separated couples in New Zealand, and the implications of this for law reform and future policy, practice and service delivery, has been keenly felt by both the Law Commission and the wider family justice sector. While many aspects of the PRA could benefit from empirical examination, the Michael and Suzanne Borrin Foundation generously funded a team, led by the University of Otago, to undertake a two-phase project examining relationship property division in New Zealand as one of their inaugural grants in 2017.

¹ Te Aka Matua o te Ture | Law Commission *Dividing Relationship Property – Time for Change? Te mātatoha rawa tokorau – Kua eke te wā?* (NZLC IP41, 2017).

² Te Aka Matua o te Ture | Law Commission *Relationships and Families in Contemporary New Zealand. He hononga tangata, he hononga whānau i Aotearoa o nāianei* (NZLC SP22, 2017).

³ Te Aka Matua o te Ture | Law Commission *Reviewing the Property (Relationships) Act: Consultation Paper* (2017).

⁴ Te Aka Matua o te Ture | Law Commission *Review of the Property (Relationships) Act 1976: Preferred Approach. Te Arotake i te Property (Relationships) Act 1976: He Aronga i Mariu ai* (NZLC IP44, 2018).

⁵ Te Aka Matua o te Ture | Law Commission *Review of the Property (Relationships) Act 1976. Te Arotake i te Property (Relationships) Act 1976* (NZLC Pūrongo 143, 2019).

Project Overview

The research had two separate, but inter-related, research phases undertaken to balance the Law Commission's, and the family justice sector's, information needs.

Phase One (November 2017-October 2018)

A nationwide telephone survey was undertaken in New Zealand to consider *whether the Property (Relationships) Act 1976 still reflects society's values and attitudes as to what is fair when couples separate*. The University of Otago commissioned Colmar Brunton, a leading market and social research company in New Zealand, to administer the survey to ascertain public attitudes and values about post-separation relationship property division. Between January and March 2018, 1,361 telephone interviews were undertaken with a representative sample of:

- 1,011 people aged 18 years and over.
- 150 additional 'booster' interviews with Māori aged 18 years and over.
- 100 additional 'booster' interviews with Pacific peoples aged 18 years and over.
- 100 additional 'booster' interviews with Asian peoples aged 18 years and over.

The additional booster interviews enabled robust statistical analysis by ethnic groups (in total there were 255 interviews with Māori respondents, 128 interviews with Pacific respondents, and 220 interviews with Asian respondents). The findings were reported on in 2019⁶ and helped inform the Commission's final report and recommendations to the Minister of Justice.⁷

Phase Two (February 2019-August 2021)

Phase Two considered *how separated couples divide their property and resolve any property disputes*. It involved a mixed-methods research design comprising:

- An anonymous nationwide survey with separated people who had divided property with a former partner ($N=378$).
- Interviews with a sub-set of survey respondents ($n=110$).

This research report outlines the method and presents the top-line descriptive findings from the Phase Two online survey.

⁶ See Ian Binnie, Nicola Taylor, Megan Gollop, Mark Henaghan, Shirley Simmonds and Jeremy Robertson *Relationship Property Division in New Zealand: Public Attitudes and Values. A General Population Survey* (Technical Research Report, Michael and Suzanne Borrin Foundation, Wellington, New Zealand, 2018); Ian Binnie, Nicola Taylor, Megan Gollop, Mark Henaghan, Shirley Simmonds and Jeremy Robertson *Relationship Property Division in New Zealand: Public Attitudes and Values. A General Population Survey – Research summary* (Michael and Suzanne Borrin Foundation, Wellington, New Zealand, 2018). <https://www.borrinfoundation.nz/report-relationship-property-division-in-new-zealand-public-attitudes-and-values/>

⁷ Te Aka Matua o te Ture | Law Commission (2019), above n. 5.

Research Team

The research was designed and conducted by an interdisciplinary research team comprising:

- Professor Nicola Taylor, Principal Investigator (Director, Children’s Issues Centre, Faculty of Law, University of Otago).
- Dr Megan Gollop, Principal Investigator (Deputy Director, Children’s Issues Centre, Faculty of Law, University of Otago).
- Ian Binnie, Independent Research Consultant (Solasta Consulting, Wellington).
- Professor Mark Henaghan (Auckland Law School, University of Auckland).
- Dr Jeremy Robertson, Independent Research Consultant (Wellington).
- Nicola Liebergreen, Assistant Research Fellow (Children’s Issues Centre, Faculty of Law, University of Otago).

Helen McQueen (Deputy President) and Nichola Lambie (Principal Legal and Policy Adviser) from Te Aka Matua o te Ture | Law Commission acted as advisers to the research team.

Method

Separated people were surveyed about their experiences of dividing property with a former partner via: i) an anonymous **online survey**; and ii) individual telephone **interviews** with a sub-sample of survey respondents.

Ethical Approval

The University of Otago Human Ethics Committee granted approval for the research on 16 May 2019 (Reference number: 19/063). The University of Otago Māori consultation process was also undertaken with the Ngāi Tahu Research Consultation Committee.

Participant Recruitment

Separated people who had finalised their property division in the previous five years in New Zealand were recruited to take part in the study. Our goal was to recruit as many people as possible to ensure a broad range of experiences and perspectives, including those who used services and professionals to assist in their property division and those who largely achieved this by themselves. The intention was not to gain a representative sample, but rather to ensure a diverse range of participants.

Participants were recruited to take part in the study by an extensive range of strategies including the following:

- Paid advertising on Facebook/Instagram – dark posts⁸ targeted to reach around 3,200,000 New Zealand users aged 20-65+.
- Paid advertising on LinkedIn.
- Advertising in the University of Otago *Staff Update* bulletin.
- An email to all University of Otago staff.
- Participants in previous, related studies undertaken by the Principal Investigators were emailed information about the research and invited to participate.
- Fliers (see Appendix A) sent (via email) to community agencies (e.g., Community Law Centres), and community and cultural groups throughout New Zealand.
- Support groups for separated people were asked to distribute information about the study to their members and/or post information on their websites and/or Facebook pages.

Participants were asked how they had heard about the study and, of those who responded, the vast majority (76%) indicated that it was through Facebook, social media or the Internet. Eight per cent heard about the study via the University of Otago email, with another 8% hearing about it from family or friends, 4% through support groups (such as the Backbone Collective and separated parents' support groups), 3% through their involvement in

⁸ Targeted news style advertisements.

previous studies, and 1% through other ways (such as from professionals or radio interviews about Phase One of the project).

The original research design included recruiting 'booster' groups of Māori, Pacific and Asian separated people through consultants/researchers subcontracted by the University of Otago research team to aid understanding of cultural perspectives on relationship property. However, as the data collection took place in 2020 during the COVID-19 global pandemic, it was decided this aspect of the research was not feasible or desirable given the uncertainty around further lockdowns and safety concerns regarding face-to-face fieldwork within communities. Therefore, unfortunately, this aspect of the data collection was not undertaken.

Data Collection

Online Survey

The research team drafted the survey in consultation with the Commission. It was then loaded into the online platform and tested with four separated people who did not meet the study's participation inclusion criteria (see below). They completed the survey and provided feedback on their understanding of the questions and the online format. The survey was modified accordingly, repeatedly tested and refined to ensure the questions were understandable and able to be answered by all respondents. Repeated testing also ensured that the logic, survey flow and website processes worked correctly.

The anonymous online survey was administered through the study website and was open for five months from 8 June to 9 November 2020. Participants were self-selected and opted to complete the survey after receiving information about the study through the range of recruitment strategies outlined above. After accessing the survey via the study website, participants were asked a screening question to ensure they met the following inclusion criteria:

1. Had finalised all, or most, of their property division with their former partner.
2. In the last five years.
3. In New Zealand.

If not, they were directed away from the survey and invited to share their views in another format available on the study website.

Participants who met the inclusion criteria were provided with an Information Sheet about the study (see Appendix B) and a Consent Form (see Appendix C), which could be read online and/or downloaded. Once participants indicated they had read the Information Sheet and the Consent Form, and had agreed to take part, they were given instructions on how to complete the survey. If participants had had more than one relationship break-up where they divided property, they were asked to answer the survey in relation to the most recent separation. Those who had completed most of their property division, but still had some issues to sort out, were welcome to complete the survey and, if so, were asked to answer the survey questions in relation to the issues that had already been decided.

The survey (see Appendix D) took around 30-60 minutes to complete and had eight sections that asked respondents about:

1. Their situation before the separation and at the time of separation.
2. Their knowledge of the law about relationship property division.
3. Their financial situation at the time of separation (including their assets and debts/liabilities).
4. The process to divide their property.
5. The outcome of their property division.
6. The impact of their property division.
7. Their current situation.
8. Demographic information.

Participants were able to skip any question they did not wish to answer.

Respondents who started, but did not complete, the survey were sent a reminder email with a link to their partially completed survey one day, one week and two weeks after they began it. They could then resume where they left off. Ninety respondents began the survey, but did not complete it, and their partial data has not been included in the dataset.

As the study was an opt-in process and was anonymous, unless people provided their contact details or indicated their interest in an interview, it was possible that people who did not meet the criteria could complete the survey. Furthermore, it was possible for respondents to complete the survey more than once and, when this was detected during data cleaning, duplicates were deleted from the dataset.

The online survey was completed by 378 respondents.

Interviews

At the end of the survey respondents were asked to express their interest in taking part in a telephone interview with a member of the research team to share, in more depth, their views and experiences. Those who indicated their interest were asked for their contact details, followed up by email and sent an Information Sheet and Consent Form (see Appendices E and F).

Forty-two per cent ($n=159$) of the survey respondents indicated their interest in participating in an interview. Ultimately, 110 (29% of the total survey respondents) were interviewed. Forty-nine who had expressed interest decided not to be interviewed, did not respond to requests to schedule an interview time, or were unavailable during the period the interviews were being conducted. Participants were interviewed between two days and four months after they completed the survey; the mean delay between survey completion and interview was seven weeks.

The interviews were all conducted via telephone and were undertaken by three experienced interviewers – Dr Megan Gollop (63%), Professor Nicola Taylor (13%) and Nicola Liebergreen (24%). Participants' verbal consent was obtained at the beginning of the interview, which was audio-recorded.

The semi-structured interview schedule (see Appendix G) covered similar topics to the survey and included the following areas:

1. Background information.
2. Resolution pathway.
3. Factors influencing the resolution pathway.
4. Professionals and services used.
5. Factors that helped the property division.
6. Barriers and challenges.
7. Impact of the property division.
8. Outcome of the property division.
9. Reflections on the process.

Participants were also welcome to raise other relevant issues and topics that they wished to comment on. All interviews were transcribed, anonymised and coded deductively using NVivo qualitative data analysis software.

Limitations of the Study

As with any survey approach, there are some limitations associated with the online survey methods used for this research. These should be taken into account when interpreting the findings.

The group of survey respondents is not a representative sample. The lack of an accurate picture of the demographics of separating couples in New Zealand, due to data constraints, makes it impossible to recruit such a sample.⁹ Instead, our intention was to ensure a diverse range of participants in the study.

The participants were self-selecting and primarily recruited via social media, which leads to the potential for response bias – whereby different population subgroups participate at different rates. This is a limitation of all surveys that are voluntary in nature. Generally, those who are more highly educated and affluent are more likely to take part in surveys, women are more likely to participate than men, and age differences in response rates are seen.¹⁰ This is evidenced in this study where the sample was predominately female, NZ European and had high level of education and high personal income levels.

This research report presents an overview of the top-line descriptive findings of the entire sample as a whole. Further in-depth, and more complex, analyses will be undertaken to investigate particular issues and examine possible interactions between variables to better understand separated people's experiences when dividing their property, particularly for

⁹ Law Commission *Relationships and Families in Contemporary New Zealand. He Hononga Tangata, He Hononga Whānau I Aotearoa O Nāianeī* (NZLC Study Paper 22, 2017).

¹⁰ William Smith "Does gender influence online survey participation?: A record-linkage of university faculty online survey response behavior" (2008) <https://eric.ed.gov/?id=ED501717>.

those whose experiences might not be so visible in this report (for example, those with few assets to divide; those who have experienced family violence etc.).

Reading Figures and Quotes Within This Report

Please note that reported percentages are rounded to one decimal place. When the proportions from various response categories for questions allowing a single response are added together the total may come to slightly more, or slightly less, than 100% due to rounding.

Some tables and figures that report on rating statements present 'nett' scores. These nett scores combine the top two ratings and the bottom two ratings of the scale. For example, 'strongly agree' and 'agree' are combined and 'strongly disagree' and 'disagree' are combined. When nett ratings are created the percentages of the two individual categories may not add up to the percentage of the nett – again due to rounding.

Extracts from participants' written survey comments have been edited slightly for ease of reading. To preserve participants' anonymity some details may also have been modified without changing the meaning.

Participants

Online Survey Respondents

The online survey was completed by 378 separated people who had divided property with a former partner, in the last five years, in New Zealand.

Table 1 details the profile of the survey respondent group.

Table 1: Survey respondent profile

	<i>n</i>	%
Gender		
Male	68	18.0%
Female	309	81.7%
Gender diverse	1	0.3%
Age		
20–29 years	14	3.7%
30–39 years	59	15.6%
40–49 years	116	30.7%
50–59 years	133	35.2%
60–69 years	52	13.8%
70–79 years	4	1.1%

Ethnicity [selection of multiple ethnicities allowed]		
NZ European	337	89.2%
Māori	26	6.9%
Pacific Peoples ¹¹	2	0.5%
Asian ¹²	3	0.8%
Another ethnicity	41	10.8%
European	36	9.5%
Middle Eastern/Latin American/African	3	0.8%
Other	1	0.3%
Missing	3	0.8%
Missing	1	0.3%
New Zealand resident		
Yes	375	99.2%
No	3	0.8%
Born in New Zealand		
Yes	297	78.6%
No	81	21.4%
NZ Resident and born in New Zealand (n=375)		
Yes	296	78.9%
No	79	21.1%
Current living situation		
Live in a home they own or partly own	244	64.6%
Live in a house held in trust that they have an interest in	38	10.1%
Rent or board	82	21.7%
Other	13	3.4%
Missing	1	0.3%
Annual personal income (before tax)		
Loss	2	0.5%
Zero income	8	2.1%
NZ\$1-NZ\$5,000	4	1.1%
NZ\$5,001-NZ\$10,000	2	0.5%
NZ\$10,001-NZ\$15,000	3	0.8%
NZ\$15,001-NZ\$20,000	12	3.2%
NZ\$20,001-NZ\$25,000	15	4.0%
NZ\$25,001-NZ\$30,000	14	3.7%
NZ\$30,001-NZ\$35,000	9	2.4%
NZ\$35,001-NZ\$40,000	13	3.4%
NZ\$40,001-NZ\$50,000	35	9.3%
NZ\$50,001-NZ\$60,000	44	11.6%
NZ\$60,001-NZ\$70,000	47	12.4%
NZ\$70,001-NZ\$80,000	35	9.3%

¹¹ 'Pacific Peoples' grouping includes Samoan, Cook Island Māori, Tongan, Niuean and other Pacific ethnic identities.

¹² 'Asian' Level grouping includes Chinese and Indian.

NZ\$80,001-NZ\$90,000	29	7.7%
NZ\$90,001-NZ\$100,000	22	5.8%
NZ\$100,001-NZ\$150,000	47	12.4%
NZ\$150,001 or more	24	6.3%
Don't know/not sure	11	2.9%
Missing	2	0.5%
Educational level – highest level of qualification		
No qualification	3	0.8%
Secondary school qualification	60	15.9%
Trade or vocational qualification	44	11.6%
Tertiary qualification	268	70.9%
Missing	3	0.8%

As shown in Table 1, the majority (82%) of the survey respondents were female and NZ European (89%), although those who selected NZ European may have also identified as another ethnicity as multiple selection was possible. Two-thirds were aged between 40-59 years. Nearly all (99%) of the participants resided in New Zealand and there were participants living in each region of New Zealand, with the majority residing in Otago (23%), Auckland (14%), Wellington (13%) and Canterbury (12%).

Over a fifth (21%, $n=81$) of the participants were not born in New Zealand. Over half (54%, $n=42$) of this group who specified where they were born ($n=78$) were born in the UK. Twelve per cent were born in Africa ($n=9$), mostly South Africa (9%), with another 8% ($n=6$) each born in Australia, USA or Europe. Four per cent were born in Canada ($n=3$) or in an Asian country (India, Malaysia and Singapore), 3% ($n=2$) were born in the Pacific (Fiji, Papua New Guinea) and 1% in South America (Brazil).

Of those participants currently living in New Zealand, but not born there ($n=79$), the majority (89%) had lived there for more than 10 years, 9% had lived there between 5 and 10 years, and 2.5% had lived there more than 2 years, but less than 5 years.

Home ownership was high. Three-quarters lived in a home they owned (65%) or was held in a trust that they had an interest in (10%). This figure matches exactly the 65% rate of home ownership reported in the 2018 Census data.¹³ Just over a fifth (22%) of the survey respondents rented, with the remaining living with family or in a partner's house.

The survey respondents had a high level of education, with 71% having a tertiary qualification. They also had relatively high personal income levels. The most common annual personal income (before tax) for nearly a quarter (24%) of the respondents was \$50,000-70,000. However, almost a fifth (19%) had an income over \$100,000. In 2020, when the data was collected, the annual median income was \$33,904 (\$652/week).¹⁴ The majority (81%) of the participants' personal incomes were more than \$35,000, indicating high income levels relative to the general public of New Zealand.

¹³ <https://www.stats.govt.nz/news/homeownership-rate-lowest-in-almost-70-years>

¹⁴ <https://www.stats.govt.nz/information-releases/labour-market-statistics-income-june-2020-quarter>

Interviewees

Twenty-nine per cent ($n=110$) of the survey respondents also took part in an interview. Like the full survey respondent group, most interviewees were female (82%) and NZ European (88%). Nine per cent were Māori. All the interviewees lived in New Zealand, across all regions, with Otago (23%), Wellington (16%) and Auckland (15%) being the most common location. Of the 27% who were not born in New Zealand, most (90%) had lived there for more than 10 years. Most (77%) lived in a home they owned (62%) or that was held in a trust they had an interest in (15%). As with the full group of participants, the majority of interviewees (78%) had a tertiary qualification and 75% had an annual personal income greater than \$35,000. Nearly a quarter (23%) had an income exceeding \$100,000.

The demographics of this group did not differ greatly from the survey respondents (see Table 2). Percentages are listed for both the survey respondents (on the right) and the interview sub-group. However, compared to the full group of survey respondents, the interviewee sub-group had a higher proportion of men (24% compared to 18%) and a higher proportion of people not born in New Zealand (27% compared to 21%). More interviewees had a tertiary qualification (78% compared to 71% of the survey respondents).

Table 2: Interviewee profile

	Interview <i>n</i>	Interview %	Survey %
Gender			
Male	26	23.6%	18.0%
Female	84	76.4%	81.7%
Gender diverse	0	-	0.3%
Age			
20–29 years	5	4.5%	3.7%
30–39 years	12	10.9%	15.6%
40–49 years	41	37.3%	30.7%
50–59 years	34	30.9%	35.2%
60–69 years	17	15.5%	13.8%
70–79 years	1	0.9%	1.1%
Ethnicity [selection of multiple ethnicities allowed]			
NZ European	97	88.2%	89.2%
Māori	10	9.1%	6.9%
Pacific Peoples	0	-	0.5%
Asian	1	0.9%	0.8%
Another ethnicity	13	11.8%	10.8%
European	13	11.8%	9.5%
Middle Eastern/Latin American/African	0	-	0.8%
Other	1	0.9%	0.3%
Missing	0	-	0.8%
Missing	0	-	0.3%

New Zealand resident			
Yes	110	100%	99.2%
No	0	-	0.8%
Born in New Zealand			
Yes	80	72.7%	78.6%
No	30	27.3%	21.4%
Current living situation			
Live in a home they own or partly own	68	61.8%	64.6%
Live in a house held in trust that they have an interest in	17	15.5%	10.1%
Rent or board	18	16.4%	21.7%
Other	7	6.4%	3.4%
Missing	0	-	0.3%
Annual personal income (before tax)			
Loss	1	0.9%	0.5%
Zero income	1	0.9%	2.1%
NZ\$1-NZ\$5,000	3	2.7%	1.1%
NZ\$5,001-NZ\$10,000	0	-	0.5%
NZ\$10,001-NZ\$15,000	0	-	0.8%
NZ\$15,001-NZ\$20,000	2	1.8%	3.2%
NZ\$20,001-NZ\$25,000	7	6.4%	4.0%
NZ\$25,001-NZ\$30,000	4	3.7%	3.7%
NZ\$30,001-NZ\$35,000	3	2.7%	2.4%
NZ\$35,001-NZ\$40,000	5	4.5%	3.4%
NZ\$40,001-NZ\$50,000	10	9.1%	9.3%
NZ\$50,001-NZ\$60,000	13	11.8%	11.6%
NZ\$60,001-NZ\$70,000	15	13.6%	12.4%
NZ\$70,001-NZ\$80,000	6	5.5%	9.3%
NZ\$80,001-NZ\$90,000	8	7.3%	7.7%
NZ\$90,001-NZ\$100,000	6	5.5%	5.8%
NZ\$100,001-NZ\$150,000	17	15.5%	12.4%
NZ\$150,001 or more	8	7.3%	6.3%
Don't know/not sure	0	-	2.9%
Missing	1	0.9%	0.5%
Educational level – highest level of qualification			
No qualification	1	0.9%	0.8%
Secondary school qualification	13	11.8%	15.9%
Trade or vocational qualification	9	8.2%	11.6%
Tertiary qualification	86	78.2%	70.9%
Missing	1	0.9%	0.8%

Participants' Pre-Separation Situation

Demographics

To provide a picture of the survey respondents' pre-separation circumstances, they were asked about their relationship with their former partner and their pre-separation situation (see Table 3).

Table 3: Participants' pre-separation situation

	<i>n</i>	%
Relationship with former partner at time of separation		
Married	278	73.5%
De facto relationship	95	25.1%
Civil Union	1	0.3%
Living apart together	4	1.1%
Same sex	19	5.0%
Length of relationship with former partner		
Less than 3 years	8	2.1%
3 years to less than 5 years	17	4.5%
5 years to less than 10 years	67	17.7%
10 years to less than 15 years	107	28.3%
15 years to less than 20 years	64	16.9%
20 years or more	115	30.4%
Length of time living together		
We did not live together during our relationship	2	0.5%
Less than 3 years	12	3.2%
3 years to less than 5 years	31	8.2%
5 years to less than 10 years	68	18.0%
10 years to less than 15 years	104	27.5%
15 years to less than 20 years	55	14.6%
20 years or more	106	28.0%
Children with former partner		
Children aged under 18 years at time of separation	216	57.1%
Children aged 18+ years at time of separation	76	20.1%
No children with former partner	113	29.9%
Dependents at time of separation		
I did	24	6.3%
Former partner did	31	8.2%
Both did	9	2.4%
Neither did	314	83.1%

The majority (74%) of the participants had been married to the person they were dividing property with, with another quarter (25%) living in a de facto relationship prior to separating. A small proportion (5%) were same-sex relationships.

The relationships participants had with their former partners were generally long-standing, with nearly a third (30%) having relationships of 20 years or more. Over three-quarters (76%) had relationships lasting 10 years or more, and only 7% had relationships that lasted less than 5 years. A small number (4%, $n=14$) had lived together less than three years or not at all.

Most (70%) of the participants had children with their former partner, with 57% having children aged under 18 and a fifth (20%) having adult children from the relationship. Around 17% of the participants and/or their former partner had other dependents they were responsible for, but who did not live with them. These dependents were mainly children from previous relationships or elderly parents.

Contributions to the Relationship

The participants described fairly equitable *financial* contributions to the relationship by both partners while they were together as a couple. The majority reported that they (80%) and their former partner (72%) contributed financially to the relationship by receiving an income (such as from wages, self-employment, benefits, superannuation, income from investments etc.) for *most or all* of the relationship. Very small numbers reported that either they (1%) or their former partner (4%) *had not* contributed financially by receiving an income. Nearly two-thirds (61%) reported that they made other financial contributions to the relationship, such as from inheritances, gifts, or financial support from family, with nearly a third (32%) reporting their former partner making such contributions.

Table 4 presents participants' reporting of the *non-financial* contributions to the relationship by each partner. Generally, the participants reported making more non-financial contributions to the relationship than their former partner. With the exception of property maintenance, where over half (55%) said this work was shared, more participants reported they were the ones who mainly did household duties and childcare.

Table 4: Contributions to the relationship

Contribution	I did	Ex did	Both did	Neither did
Property maintenance, improvements and/or renovation ($n=378$)	31.0%	8.2%	54.8%	6.1%
Household duties e.g., cleaning, cooking, laundry ($n=378$)	55.6%	4.0%	40.2%	0.3%
Childcare (if applicable) ($n=301$)	62.1%	3.3%	33.6%	1.0%

Nearly two-thirds (66%) of those participants with children said they had taken time out of the workforce to care for children (excluding any time on paid parental leave). In comparison, only 17% indicated that their former partner had done so. Over half (55%) of the participants thought that taking time out of the workforce to care for children had affected their own employment or career ‘a fair amount’ or ‘a lot’. Only 20% thought this had the same impact on their former partner’s employment or career.

Assets to Divide

Table 5 presents the proportions of participants who had various assets to divide with their former partner. Almost all (99.8%) of the respondents reported having some assets to divide. The most common assets were household contents which nearly all (98%) participants had to divide, followed by vehicles (91%), finance/money (89%) and real estate/houses (85%). Just over half (54%) of the respondents had personal effects to divide and 28% had businesses (including farms or orchards).

Table 5: Assets at the time of separation to divide

Assets	<i>n</i>	%
Household contents (<i>n</i> =377)	370	98.1%
Vehicles (<i>n</i> =377)	342	90.7%
Finance/Money (<i>n</i> =375)	333	88.8%
Houses/Real Estate/Property (<i>n</i> =376)	318	84.6%
Other assets (<i>n</i> =362)	235	64.9%
Personal effects (<i>n</i> =362)	195	53.9%
Businesses (<i>n</i> =366)	103	28.1%

N.B. Totals exclude data from those who selected ‘don’t know/not sure/can’t remember’ and those who skipped the question. Multiple selection possible.

The most common type of real estate to divide was the family home, which 82% of the respondents reported (*n*=309). At the time of the separation, 10% of the participants and their former partner did not own the family home, as this was rented or they lived in a home owned by someone else. The majority (68%) owned the family home jointly with their former partner, and for most (95%) each party owned an equal share. The family home was held in trust for another 15% of the respondents, and for most (83%) the home was put in a trust after the beginning of the relationship.

Nearly a fifth (19%) of the respondents had other real estate (such as investment properties), with 10% having land or a section, and 5% having a holiday home to divide with their former partner.

Two-thirds (67%) of those who reported having finance to divide with their former partner had money or savings in a bank, building society or credit union etc. and the same proportion (67%) had superannuation or KiwiSaver to divide. Nearly a third (31%) had insurance policies and just over a fifth (21%) reported having inheritances or gifts to divide.

Other common property which needed to be divided included: furniture and household goods and appliances, sports equipment, tools etc. (98%), artwork (35%), children’s property (43%), cars (91%), other vehicles (30%), family heirlooms (36%), jewellery (42%), and animals/pets (58%).

Table 6 presents the value of the assets that the respondents had to divide.

Table 6: Combined value of assets to divide

Amount	<i>n</i>	%
No assets to divide or no financial value	4	1.1%
\$1-\$500	0	-
\$501-\$1000	1	0.3%
\$1001-\$2000	1	0.3%
\$2001-\$5000	3	0.8%
\$5001-\$10,000	5	1.4%
\$10,001-\$20,000	5	1.4%
\$20,001-\$50,000	8	2.2%
\$50,001-\$75,000	5	1.4%
\$75,001-\$100,000	9	2.5%
\$100,001-\$150,000	7	1.9%
\$150,001-\$200,000	6	1.6%
\$200,001-\$300,000	21	5.7%
\$300,001-\$500,000	61	16.6%
\$500,001-\$700,000	69	18.8%
\$700,001-\$1,000,000	72	19.6%
\$1,000,001-\$2,000,000	55	15.0%
\$2,000,001-\$3,000,000	13	3.5%
\$3,000,001-\$5,000,000	11	3.0%
\$5,000,001-\$10,000,000	10	2.7%
More than \$10 million	1	0.3%
Total	367	100%

N.B. Nine participants could not remember or did not know the value of the assets they had to divide and two skipped the question, hence $n=367$.

It should be noted that these figures indicate the combined value of all the assets respondents had to divide with their former partner, regardless of any money owed on them such as mortgages or loans. They also exclude assets that were regarded as separate property and/or were in a trust.

As Table 6 shows, the value of the assets respondents had to divide ranged from nothing to more than \$10 million. The value of the assets the majority (70%) of the respondents had to divide ranged from \$300,001 to \$2 million, evenly split between \$300,001-\$700,000 (35%) and \$700,001-\$2,000,000 (35%). One in ten had assets valued in excess of \$2 million and 7% had no assets to divide or had assets worth \$50,000 or less.

A small number of participants (14%) reported having **assets to divide that were held in a trust**. Just over two-thirds (69%) of these participants indicated that these assets were divided as part of their property division. Of the 15 participants who reported that the assets in the trusts were *not* divided as part of the property division, only 27% ($n=4$) indicated that these assets were taken into account when dividing their property.

The proportion of respondents reporting that they and/or their former partner owned **personal assets or separate property** that were *not* included in their relationship property division was relatively low (21% and 22% respectively).

Assets that were treated as **personal or separate property** included:

- Properties – investment or rental properties, properties owned with other family members or held in trust, timeshares, commercial investment properties, houses owned prior to the relationship.
- Land.
- Businesses – including farms.
- Overseas assets – property and businesses.
- Shares.
- Vehicles – cars, boats, classic cars, motorbikes, horse floats.
- Tools and machinery.
- Superannuation – particularly from overseas.
- Inheritances – money, property, jewellery, furniture.
- Cash/money/savings.
- Personal effects – computers, musical instruments/equipment, jewellery, bikes, firearms.
- Art works.
- Furniture
- Animals.
- Assets in family trusts.
- Forestry units/investments.

Debts and Liabilities to Divide

Table 7 details the debts and liabilities the respondents and their former partner had to divide. The majority (82%) reported that they and their former partner had debts and liabilities at the time of their separation. The most common debts that needed to be divided were mortgages (69%), followed by credit card debt (48%) and personal loans (26%).

Table 7: Debts and liabilities at the time of separation to divide

Assets	<i>n</i>	%
Mortgage(s)	261	69.0%
Credit card debt(s)	180	47.6%
Personal loan(s)	99	26.2%
Hire purchase agreement(s)	55	14.6%
Student loan(s)	50	13.2%
Tax to pay	45	11.9%
Family loan(s)	38	10.1%
Commercial loan(s)	16	4.2%
Other debts or liabilities	11	2.9%
Gambling debt(s)	2	0.5%
None of the above – no debts or liabilities to divide	67	17.7%

N.B. Multiple selection possible.

The value of the debts and liabilities the respondents and their former partner had to divide is presented in Table 8.

Table 8: Combined value of debts/liabilities to divide

Amount	<i>n</i>	%
\$1-\$500	1	0.3%
\$501-\$1000	1	0.3%
\$1001-\$2000	2	0.7%
\$2001-\$5000	10	3.4%
\$5001-\$10,000	12	4.1%
\$10,001-\$20,000	18	6.2%
\$20,001-\$50,000	21	7.2%
\$50,001-\$75,000	14	4.8%
\$75,001-\$100,000	21	7.2%
\$100,001-\$150,000	18	6.2%
\$150,001-\$200,000	22	7.6%
\$200,001-\$300,000	46	15.9%
\$300,001-\$500,000	60	20.7%
\$500,001-\$700,000	15	5.2%
\$700,001-\$1,000,000	12	4.1%
\$1,000,001-\$2,000,000	12	4.1%
\$2,000,001-\$3,000,000	2	0.7%
\$3,000,001-\$5,000,000	2	0.7%
\$5,000,001-\$10,000,000	1	0.3%
Total	290	100%

N.B. Thirteen participants could not remember or did not know the value of the debts they had to divide and 75 did not answer the question (the majority because they had no debts to divide), hence $n=290$.

The most common value of the debt to divide was \$200,001-\$500,000, with 37% reporting this amount of debt at the time of the separation. In addition to this shared debt, 14% of

the respondents indicated they had **personal debts or liabilities** that were not part of the relationship property division and 24% reported that their former partner had personal or separate debt.

The **debts and liabilities that were treated as separate** included:

- Credit card debt.
- Store card accounts.
- Personal loans – both formal and informal.
- Business loans.
- Car repayments.
- Gambling debts.
- Mortgages.
- Hire purchases.
- Outstanding bills.
- Student loans.
- Tax debt – personal or business.

Knowledge and Understanding

Knowledge of Assets and Debts at the Time of Separation

The survey asked respondents to rate how much they and their former partner knew at the time they separated about the assets and debts/liabilities they had to divide (see Table 9).

Table 9: At the time you separated, how much did you know about assets and debts/liabilities you had to divide?

	I knew (n=378)	My former partner knew (n=360)
Hardly anything	8.5%	8.1%
A little	16.4%	12.2%
A fair amount	32.4%	36.9%
A lot	42.7%	42.8%
Total	100%	100%

As Table 9 illustrates, there was very little difference in the proportions of reported levels of knowledge between the respondents and their former partners. The respondents indicated that both they and their former partner were quite well informed about the assets and debts they had to divide – 75% and 80% rated themselves and their former partner respectively as knowing ‘a fair amount’ or ‘a lot’.

Knowledge of the Law about Relationship Property

Survey respondents were asked about their level of knowledge of the law relating to relationship property division at the time they separated (see Table 10).

Table 10: At the time you separated, how much did you know about the law relating to relationship property division?

Knowledge of Relationship Property Law	n	%
Hardly anything	80	21.2%
A little	147	38.9%
A fair amount	111	29.4%
A lot	40	10.6%
Total	378	100%

Just over a fifth (21%) of the participants indicated they knew hardly anything about relationship property law at the time they separated and only 11% knew a lot. The greatest proportion (39%) reported knowing a little. However, when asked about their knowledge of specific aspects of the law, the majority of the participants indicated a high degree of knowledge about the law of equal sharing, as shown in Table 11.

Survey respondents were given the following definition and were then asked a series of questions about their knowledge of the equal sharing law at the time they separated:

*The law says that the family home, household items (such as furniture or the car), money, debt or property the couple get during the relationship are considered to be relationship property and should be shared equally if the couple separate. This is sometimes known as a 50/50 split or the **equal sharing law**.*

Table 11: At the time you separated did you know that

	Yes	Maybe	No	Don't know
NZ law says a couple should share relationship property equally if they separate?	88.6%	4.5%	5.6%	1.3%
The law of equal sharing applies to unmarried couples in the same way as it does to married couples?	88.4%	4.2%	5.6%	1.9%
Couples have to live together as a couple for 3 years for the law of equal sharing to apply?	79.6%	5.8%	12.2%	2.4%

Nearly 90% of the participants knew about the law of equal sharing (89%) and that it applies to both married and unmarried couples (88%), with a further 4-5% thinking they maybe knew this. Less than 6% were unaware of these aspects of the law. The participants were less familiar with the rule that the equal sharing law only applies to couples who had lived together for three years (or more). However, the majority (80%) were aware of this, and only 12% were not.

As will be detailed later (see Table 40), one of the challenges with their property division experienced by 26% of the participants was navigating or understanding the process, and 17% reported a lack of knowledge about relationship property law. Some participants considered they were at a disadvantage because of a **lack of knowledge, information and advice**.

It is very unfair when one partner has limited funds and income. I was against my ex, his lawyer, the trust lawyer and the lawyer acting on behalf of the trust. I wish my options had been explained more clearly. (391, Woman; Survey)

I think it is fair, but without the proper knowledge and advice and mindset it can be manipulated by a more clever partner. (378, Woman; Survey)

I didn't know my rights and I was too scared to try and get anything, I didn't have any money for legal advice. ... I was unaware that I could make any claim on the business or assets. (344, Woman; Survey)

Prior to entering a de-facto relationship I wish I had been aware that I would incur my partner's debts and his business debts at the end of our relationship. (419, Woman; Survey)

Greater **provision of information, advice and support** was recommended by some participants.

There isn't enough support or advice around these issues especially for someone who is not in a good financial position to fight for fairness. (592, Woman; Survey)

I am an educated woman and still had trouble navigating the system. I worry for the people who are not as either financially literate or as educated. If they do not have an amicable separation, they are going to be lost. (561, Woman; Survey)

If advice/support was more easily available I would recommend it to others. (518, Woman; Survey)

I hope this helps in improving the resources available to those going through separation. I was lucky on many grounds (educated, good income, separation that was fairly amicable, access to advice and to help), but many people going through do not have these advantages and this makes a difficult time much, much, worse. (433, Man; Survey)

There needs to be more available support to people who don't know how to do things like this. They may be scared to or don't think they can afford to go through this or get help. (393, Woman; Survey)

Some participants recommended the **need for financial education** for women or, more generally, for school students, people in relationships, and the public.

Females need to learn more about how to protect their financial interests. (338, Woman; Survey)

For me, I can only say that some people are so cunning. I think, in general, women need to be more financially educated about how to protect themselves. ... I think more education is needed in order to protect women. I was lucky I had a prenuptial and put my assets in a trust. (478, Woman; Survey)

This should be more known by all. Taught in schools, advertising or anything. So, when the things that could go wrong, and can go wrong fast, it is at least in the subconscious mind what is the right thing to expect or do. One less hindsight situation you had no idea of before it was too late. (527, Woman; Survey)

If my partner had simply died, the burden - emotional, financial, mental, social - would have been far better supported than if he abandoned me for someone else. I know far too many other women who have experienced separations/divorces far worse than mine, and there is not nearly enough support for them either. I know it's hard,

separating the emotional hardship from the financial one, but there needs to be more visible support for those who need it. There are ads on the TV for organisations that help with family violence, cancer, mental health - there needs to be something similar so that when someone is dumped, they're not terrified by the yawning maw of ignorance on 'how the hell am I going to survive this?' At one point, after a particularly aggressive meeting with his lawyer, I seriously had suicidal thoughts and needed a doctor's help. It shouldn't have to be this hard, knowing what to do. (190, Woman; Survey)

Knowledge about the property division process could enhance people's ability to negotiate the outcome and have a more positive experience.

My ex was under the impression that he could move out and I was immediately obliged to buy him out of the house and give him half of everything else. I think he found it very frustrating that he couldn't force my hand to his own timeline. He also wanted a quickie divorce. He doesn't know much about the law compared to me. This did help me to push back against some of his early demands which were unreasonable. If I had been less able to research this area myself then I might not have done as well as I did. Knowing my rights and that he could not force me to make a separation agreement straight away, or force me out of the family home, was very helpful. (233, Woman; Survey)

It was a learning process. I was able to get a more or less fair outcome by being well informed and by learning about nightmarish stories from friends. (483, Man; Survey)

Perspectives on the Law and the Legal System

The process of dividing property was described by some participants as **draining, traumatic or a nightmare**.

The whole process is absolutely draining - mentally, emotionally, financially. There must be a better way to resolve things. (390, Woman; Survey)

The whole process was extremely traumatic and soul-destroying. Mainly due to the person my ex is. But the system was found to be extremely incapable of dealing with it. As well as opportunities for dodgy lawyers looking to take advantage of an extremely vulnerable person thrown into a toxic environment. (466, Man; Survey)

This overhaul is well overdue and I hope no other person has to go through the 18 months of hell that I had to. It consumed my whole life and was, without doubt, the worst experience of my life. ... I believe the current system heavily favours the female. The child support system is a disgrace. My ex-partner and I will never speak again after the process. (400, Man; Survey)

The experience of separation left me a total wreck. I found the law impersonal and uncaring and my ex was unrecognisable. He was the one who cheated, he was the one chucking his wife out when she had just had a [medical event], yet he attacked me as

though he was the wronged party. I had no help, no support, a crap Legal Aid lawyer that I ended up sacking because he was way too friendly with my ex's lawyer. In the end, I got less than 50% of what I should have got. It was a nightmare. (405, Woman; Survey)

Others perceived that the law or process governing property division was **outdated, unfair or insufficiently protective**.

The system is designed for a time when women did not work. (538, Woman; Survey)

I guess the biggest issue I faced was the unjust nature of the grossly outdated legislation and the fact that violence and lack of contribution were deemed to be irrelevant. [The law] was 100% on the side of my abuser. In reality, no-one was going to help me. I was screwed, emotionally and financially, by the 'system'. (530, Woman; Survey)

Law is supposed to be fair, but is not. I made a decision to just accept that and get on. (573, Woman; Survey)

The system is not designed to help people who are unwell or not as capable as the other person. (405, Woman; Survey)

The law needs to recognise that in, for example, my case, protection orders, separation, custody and relationship property are strongly interlinked. When one partner is highly resourced, and the other isn't, it becomes very unfair (385, Woman; Survey)

The fact that he didn't even contribute enough of his earnings to feed himself for a day, let alone to keep a roof over his head, was made irrelevant at court. ... The stories of his violence to me go on and on, but none of them are relevant at court and, disgustingly, don't reach the 'high ceiling' the law has created and inflated to be considered 'extraordinary circumstances repugnant to justice' in which case he would just get back what he'd contributed ... which is nothing. ... I believed the property in [another country] we had purchased during our relationship was part of relationship property as I had contributed so much to it ... and I am absolutely shocked and disgusted that there is no reciprocal agreement between [country] and NZ whereby I can obtain a credit for this. ... It's disgusting and yet another example of financial domestic violence. ... This property is part of our relationship property, but not according to the law. (398, Woman; Survey)

While I'm grateful that the law for women has changed in New Zealand over the past few decades, it's still quite imbalanced when it comes to men who not only want to leave their partner for someone 'better', but to also take the lion's share of the assets with them. There needs to be more accessible and affordable legal representation for women who have given up much of their own personal, financial and career ambitions for their partner. The 'repugnant to justice' part of settlements should be made much more fair without having to resort to court. (190, Woman; Survey)

I hope the new laws give more protection to those vulnerable people who really need it and reduce the opportunity for abuse. People will always find a way to hurt someone though if they really want to. (540, Woman; Survey)

The law was definitely designed for amicably separated couples, where power and control wasn't an issue. (385, Woman; Survey)

Perspectives on Equal Sharing

The current **equal sharing, or 50/50 split, of relationship property** was considered unfair by a number of participants.

I feel the law needs to be reworked to acknowledge that assets brought into a relationship not be subject to the 50/50 split. (268, Woman; Survey)

I think the law fails those in very long (say 25+year) relationships where there are significant earnings and a familial 'load' differential on separation. There is a lot of published data which indicates that this predominantly impacts females. Additionally, it is often males who leave, to partner up with a younger person, thereby often immediately being in a better financial situation. The solo partner, coming towards the end of their working career, then faces a massive earnings differential which significantly impacts their ability to make up their lost retirement savings. I believe this should be taken into account when dividing the assets - maybe with a 'last 5 years' earnings algorithm factoring in the length of relationship and age at the separation to end up with an alternative to the 50/50 split. While there is an illusion of fairness with 50/50, that does not mean it is actually fundamentally fair. (383, Woman; Survey)

I think the 50/50 law is unfair in many circumstances and makes unfair assumptions about an individual's input into a relationship. (306, Woman; Survey)

The blanket 50/50 rule is unfair in some situations. However, I do understand its purpose and that it's the closest to fair that can be legislated. (604, Woman; Survey)

You should only have to halve money and assets you make whilst together, not what have prior. (558, Woman; Survey)

There needs to be serious changes as this is social engineering, changing the face of our society and relationships due to unfair laws. Why should someone get automatic ownership of half your assets in just three years? ... I think it is highly unfair that someone can get half of all your hard earned assets after just three years and it's so difficult to protect against that. (230, Man; Survey)

Relationship property should only be valid for those in a marriage or civil union. They have made a contract in the eyes of the law, whereas people just living together have not. (227, Woman; Survey)

I was devastated to learn that, despite the behaviour of my ex-husband [assault], under NZ law he could have been awarded 50% of all my personal assets. This felt like he was profiting from a crime. (479, Woman; Survey)

Some participants thought that the law should allow one party to obtain **a greater share of the property in certain circumstances** – for example, when one partner had made greater financial contributions or had, or were, taking on a greater share of the care of the children.

There needs to be a service to ensure the main income earner does not use the financial advantage to take everything. I was under the impression that everything would be split evenly, but legal advice then stated I should receive further as I had full custody of the children. I received nothing from our business, had no KiwiSaver and, while he had paid off his student loan, I was left with mine. I could not raise enough money to take this to court. While I represented myself to an extent in the childcare issues in court, I was not in a position to do so regarding financial issues. This meant I ended up with what he decided to 'give me' rather than what I deserved. Our children have lost immensely because of this and I will never recover. (203, Woman; Survey)

I do not think it is at all fair to split assets 50/50 by law in some cases. I contributed the most financially to our relationship. (422, Woman; Survey)

The person with the children should just get the house and be able to pay out the ex over time. (557, Woman; Survey)

I believe a spouse who has given up work to support the family and is having full-time custody of the kids should get a bigger percentage of the property. And/or spousal support should continue in addition to child support. (532, Woman; Survey)

If one partner earns considerably more than the other, or takes care of the kids more, and has sacrificed more they should get what is fair BEFORE assets etc. are divided. This applies to either party. (459, Woman; Survey)

There needs to be clearer rules around disparity payments. If one partner has taken time off to look after children it is obviously going to affect career prospects. (489, Woman; Survey)

It needs to recognise that the main caregiver, usually the woman, has to house not only herself but also the children, that she will be sacrificing income for years after separation, paying for out-of-school care etc. and should be able to get more than 50% of the equity from the marriage. (575, Woman; Survey)

Percentage of care of children and how much financial assistance the parents make, past and future, needs to be taken into account and how much financially both parties put into the property also needs to be taken into account. (441, Woman; Survey)

Would be good if there were 'fault' laws e.g., infidelity gives the faithful partner a larger share of the assets. (625, Woman; Survey)

We need a law change that recognises financial contribution through the relationship. I supported my partner for years and it seems entirely unreasonable that he could have legal claim to my KiwiSaver. (238, Woman; Survey)

Equal sharing was considered most desirable when partners built their assets together, but something different was needed when **second and subsequent relationships** meant one partner was bringing more to the relationship financially than the other.

A 50/50 split seems fine for relationships that commenced when assets and liabilities were next to nothing. But entering into later relationships with disparate assets brought to the relationship needs something different. Currently a contracting out agreement is an effective way of particularising that to each relationship. Seeing instances of disagreements going on for years at eye watering legal and court costs is heart-breaking. I was in the fortunate situation where amicable negotiation worked well. Any process that keeps ex-partners closest to that ideal would be best. (364, Man; Survey)

I think the law is good for first marriages of long duration and particularly where children are involved. Subsequent marriages/relationships should be treated differently - more about what you have before entering the relationship remaining your own property. Too many opportunists looking to gain financially. Why should someone you have recently met benefit off your years of hard work - build something together and share that instead. (574, Woman; Survey)

The Property Division Process

The survey asked participants about the process of settling their property division with their former partner: the time it took, steps taken, use of services and professionals, and how the matter was resolved.

At the time they were dividing their property, 70% of parents with children aged under 18 years were also making parenting arrangements, and 62% were also determining child support. Only a small proportion (13%) were concurrently determining spousal/adult maintenance. While making all these post-separation decisions, almost two-thirds (65%) described their relationship with their former partner as 'poor' (24%) or 'very poor' (42%).¹⁵

Time to Divide Property

As shown in Table 12, the majority (84%) of the participants began the process of dividing their property within a year or less of the separation, with nearly half (49%) commencing this at the time of the separation.

Table 12: When did you begin the process of dividing your property?

	<i>n</i>	%
At the time of the separation	180	48.5%
Within 1 year of the separation	131	35.3%
Within 3 years of the separation	43	11.6%
More than 3 years after the separation	17	4.6%
Total	371	100%

N.B. 6 participants could not remember, and 1 person skipped the question, hence $n=371$

Table 13 presents how long it took for participants and their former partner to finalise all (or most) of their property division. Over half (58%) settled in less than a year, with the vast majority (83%) finalising matters in less than 3 years.

¹⁵ As explained earlier, due to rounding these percentages total 66%.

Table 13: How long did it take to finalise all (or most) of your property division?

	<i>n</i>	%
Less than 3 months	78	21.2%
3 months to less than 6 months	62	16.8%
6 months to less than a year	72	19.6%
1 year to less than 2 years	61	16.6%
2 years to less than 3 years	33	9.0%
3 years to less than 5 years	38	10.3%
5 years to less than 10 years	16	4.3%
10 years to less than 15 years	7	1.9%
15 years or more	1	0.3%
Total	368	100%

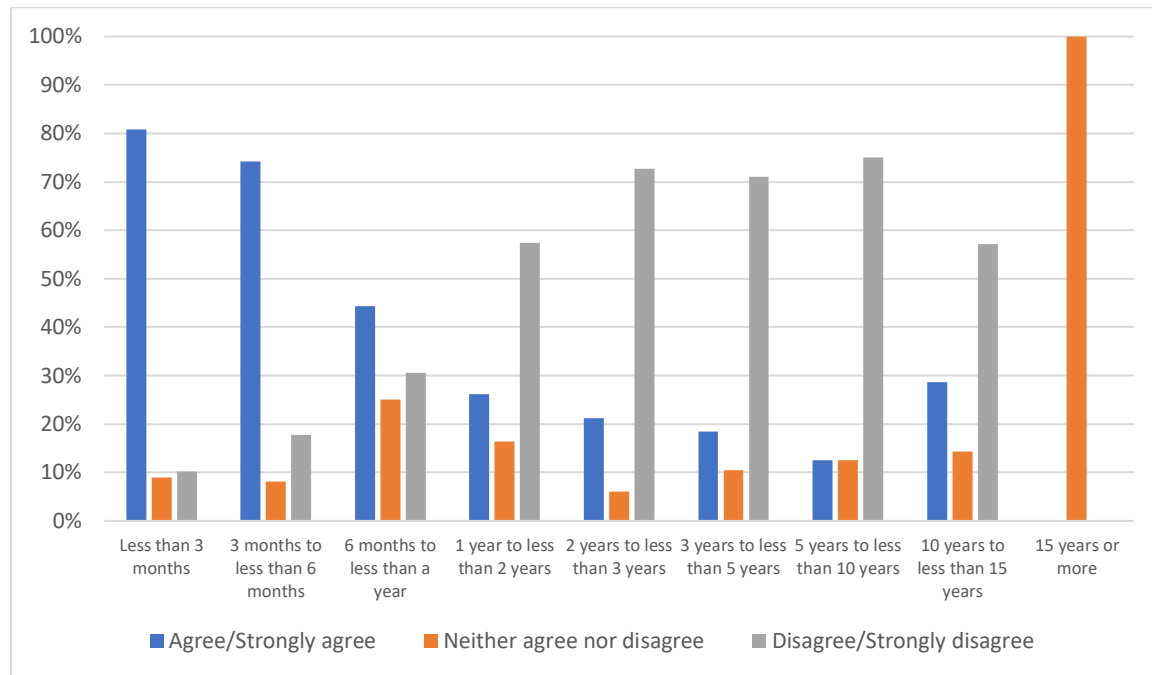
N.B. 9 participants could not remember, and 1 person skipped the question, hence $n=368$

Later in the survey, participants were asked how much they agreed or disagreed with the statement ‘The time it took was reasonable’ (see Table 14 and Figure 1).

Table 14: Agreement with the statement ‘The time it took was reasonable’ by length of time to finalise all (or most) of the property division?

	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total ($n=368$)
Less than 3 months	80.8%	9.0%	10.2%	78
3 months to less than 6 months	74.2%	8.1%	17.7 %	62
6 months to less than a year	44.4%	25.0%	30.6%	72
1 year to less than 2 years	26.2%	16.4%	57.4%	61
2 years to less than 3 years	21.2%	6.1%	72.7%	33
3 years to less than 5 years	18.4%	10.5%	71.1%	38
5 years to less than 10 years	12.5%	12.5%	75.0%	16
10 years to less than 15 years	28.6%	14.3%	57.1%	7
15 years or more	0.0%	100%	0.0%	1

Figure 1: Agreement with the statement ‘The time it took was reasonable’ by length of time to finalise all (or most) of the property division?



As Table 14 and Figure 1 show, generally, the proportion of those participants agreeing or strongly agreeing that the time taken to finalise their property division was reasonable declined as the time taken to finalise the property division increased. The proportion agreeing or strongly agreeing that the time taken was reasonable was greater than the proportion disagreeing or strongly disagreeing when their property division took less than a year. This was reversed for resolution times of one year or greater, where the proportions disagreeing the time taken was reasonable were greater than those who agreed it was reasonable.

Factors Associated with Shorter Resolution Times

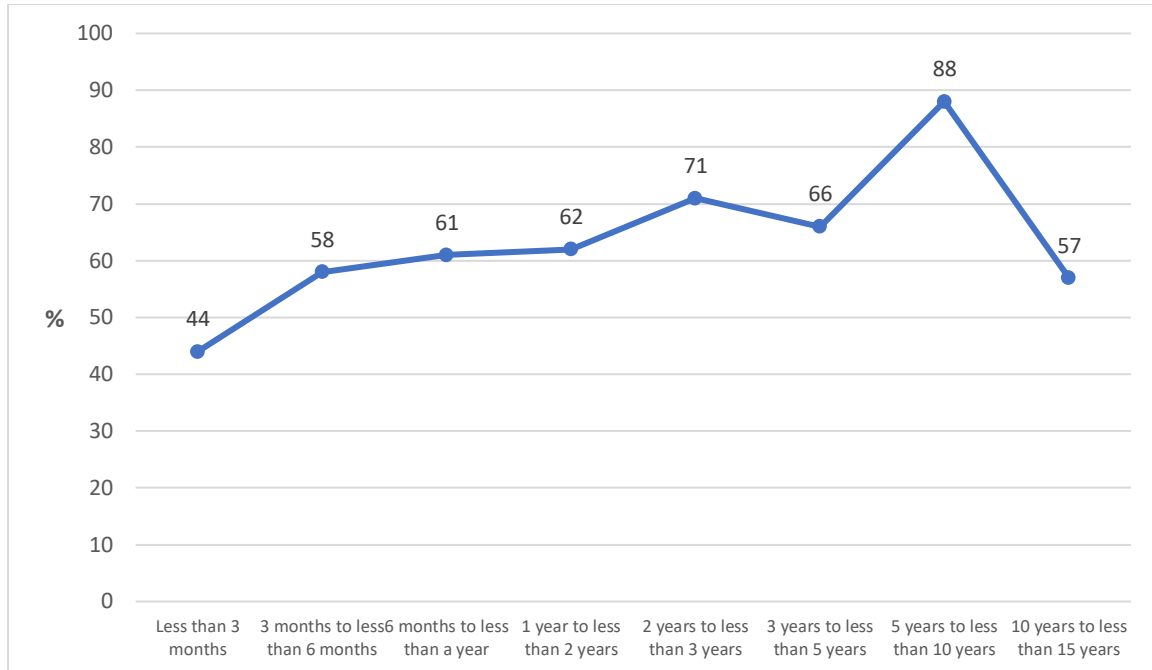
An analysis of factors associated with shorter resolution times was undertaken to investigate whether those resolving in a very short amount of time (i.e., less than three months) had features particular to their situation.

The **quality of the participant’s relationship with their former partner** at the time of the property division did not appear to account for a quick resolution time. Of those who resolved their property division in less than three months, 38% reported a ‘good’ or ‘very good’ relationship compared with 44% who reported a ‘poor’ or ‘very poor’ relationship. Similarly, 26% of those resolving in three months to less than six months reported a good/very good relationship with their former partner, while 55% reported a poor/very poor relationship. It was therefore not the case that those who resolved matters quickly had amicable relationships with their former partner.

Forty-four per cent of those resolving their property division in less than three months reported that there had been **family violence** in the relationship. This figure doubled to 88%

for those participants who had taken between five and ten years to divide their property. A fairly linear relationship was found whereby, generally, as the incidence of family violence increased so too did the resolution time (see Figure 2).

Figure 2: Resolution time by percentage indicating family violence in the relationship



Of those who had a **contracting out agreement** certified by a lawyer ($n=38$), only 11% resolved their property division in less than three months. However, 68% of those with such an agreement had finalised their division in less than a year.

The majority (85%) of those who resolved their property division in under three months, **mostly resolved matters with their former partner themselves** with limited or minimal involvement with professionals and no court proceedings.

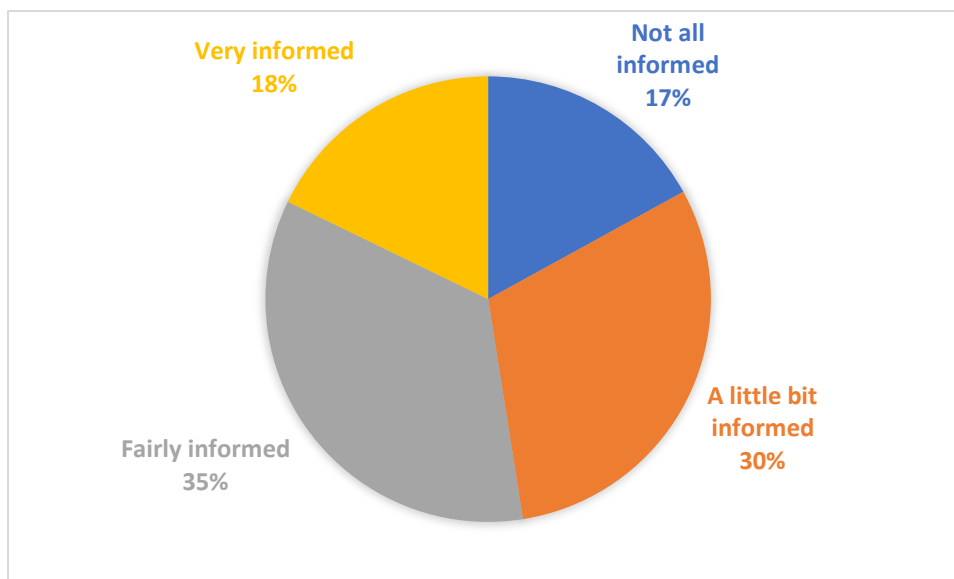
Advice or Assistance Needed to Divide Property

Participants were asked what advice or assistance they needed to divide their property, what steps they took, and what services and professionals they used. They were asked how informed they felt about what they needed to do, the steps they needed to take and where to go for advice and assistance (see Table 15 and Figure 3).

Table 15: When you began the process of dividing your property, how informed did you feel about what you needed to do?

	<i>n</i>	%
Not at all informed	64	17.0%
A little bit informed	115	30.5%
Fairly informed	131	34.7%
Very informed	67	17.8%
Total	377	100%

Figure 3: When you began the process of dividing your property, how informed did you feel about what you needed to do?



As shown in Table 15 and Figure 3, around half (53%) of the participants felt 'fairly' or 'very' informed about what to do to divide their property, with 17% reporting they were 'not at all' informed. However, despite this, only 6% reported that they did not need any information, advice, or help (see Table 16).

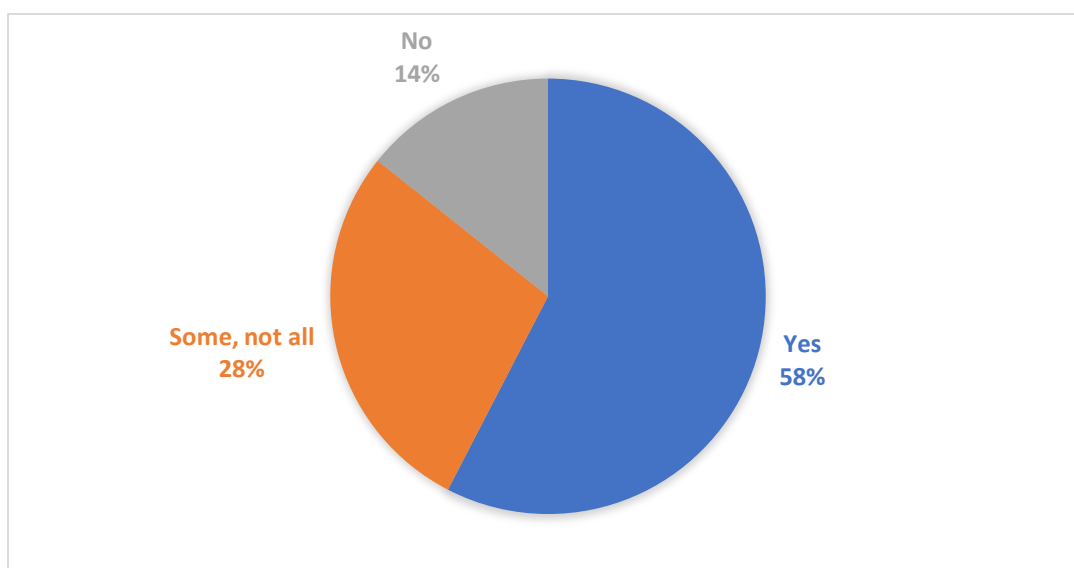
Table 16: When you began the process of dividing your property, what information, advice or help did you need?

	<i>n</i>	%
Legal information/advice	291	77.2%
Legal representation	233	61.8%
Emotional support	232	61.5%
General advice	208	55.2%
Information/advice about the value of assets and/or debts	181	48.0%
Information/advice about how to resolve your property division	179	47.5%
Financial information/advice	154	40.8%
Information about services that could assist	85	22.5%
Information about professionals who could assist	79	21.0%
Other	6	1.6%
I did not need any information, advice or help	23	6.1%

The most common help participants needed was legal information or advice (77%), with 62% needing legal representation and/or emotional support. Around half of the participants needed general advice (55%), or information/advice about the value of assets and/or debts (48%) and/or how to resolve their property division (48%). Around a fifth required information about services (23%) or professionals (21%) who could assist.

As reported in Table 16, nearly all (94%) of the participants indicated that they needed some type of advice, information or help when they began the process of dividing their property. As shown in Figure 4, the majority (86%) of the participants reported that they received some, if not all, of the help, advice or information they needed; only 14% did not.

Figure 4: Did you receive all the help, advice or information you needed?



When asked what help, advice or information was needed, but not received, respondents most commonly mentioned **seeking legal advice, finding a good lawyer or receiving better quality advice and support from their lawyer.**

I probably should have sought some legal advice. (496, Woman; Survey)

Help with finding a good lawyer who was resolution focused. I thought all lawyers were the same, but some are not resolution focused, more litigation focused. (317, Woman; Survey)

More concise legal information would have been helpful so you didn't end up spending so much on expensive lawyers charging \$700 per hour. (230, Man; Survey)

Needed a better lawyer to start with. They admitted my situation was above their skill level. (628, Man; Survey)

I needed much better and accessible legal advice. It was difficult to get all the information from the lawyer about options. I wanted to save money on lawyers at the time as I was worried about money and lawyers not being available when you needed them. (165, Woman; Survey)

Because the lawyers in NZ have no control over immovable assets in [overseas country], and vice versa, finding lawyers in both countries willing to work together was difficult. Much of the information I needed I had to research for myself, then present it to my lawyer in NZ. (190, Woman; Survey)

I didn't seek legal advice about my trust-owned property being included. (322, Woman; Survey)

Financial help, information and advice was also desired by some respondents. This particularly related to **valuation, taxation, depreciation and KiwiSaver issues.**

Tax expert advice. (412, Woman; Survey)

How to go about obtaining realistic counter valuations for assets. (197, Woman; Survey)

More financial advice such as to do with KiwiSaver. (293, Woman; Survey)

Non-disclosure could create difficulties for respondents who were unable to obtain the financial information they needed to reach a fair division of their property.

My husband refused to disclose all his financial documents or provide any proof of this. So, the division was done on an estimate. (566, Woman; Survey)

My partner refused to provide documents that only he had access to. Blocked me from our trust financials and generally displayed crappy behaviour. I wish I had known the

Family Court really has no teeth. If someone doesn't supply documents, then they don't have any powers other than to slap them on the wrist. (396, Woman; Survey)

I needed to have good advice at the beginning, get as much understanding of my finances before we started the property division. ... To have full disclosure so that we could settle fairly and without spending so much time and money with lawyers sending letters to each other, and then court proceedings. (179, Woman; Survey)

Knowing how best to deal with the **division of debt** would have been helpful information for some participants.

More advice around getting my name removed from debt associated with assets my ex kept. (257, Woman; Survey)

Clarity around life insurance policies where debt was owed on them. (205, Man; Survey)

The division of debts. Wasn't asked about and I just didn't know what to do about it. Since they were in my name, I just thought I would be the only one responsible for them all - even though they were mostly his. (527, Woman; Survey)

Straight up advice right from the beginning; not strung along by lawyer costing thousands of dollars to then be informed that as all debt was in my name (even though it was household debt), that I was liable for all debt. (584, Woman; Survey)

A **former partner's alleged deceit, embezzlement or fraud** were also aspects of property division on which respondents would have liked to receive help, information or advice.

I did not get enough help to deal with my ex-partner's vindictiveness and deceit throughout the legal process. (211, Woman; Survey)

What to do about dishonesty. (197, Woman; Survey)

The fact that my ex-husband was embezzling from work. (583, Woman; Survey)

Some participants also needed help or advice on how to deal with a **former partner's lack of engagement or changes of mind**.

How to get my ex-partner to engage in the process. (197, Woman; Survey)

Advice related to ex-partner being able to change her mind after we agreed on items. (483, Man; Survey)

How to deal with a person who refused to respond to any questions or requests. (603, Man; Survey)

Better knowledge about, and understanding of, **the steps to be taken** and **legal/court processes** when dealing with property division issues was also raised.

Timeline - would have been helpful to have a step-by-step guide - all the way to selling the house. (280, Woman; Survey)

I did not know the steps in the process with some of the services, so got confused and may not have got the full service I could have. (393, Woman; Survey)

How to go through the process of deciding how to resolve physical assets. (258, Woman; Survey)

Someone who could help me with the process and advise me what other processes I could use that did not cost a fortune for every minute I spoke to them. (439, Woman; Survey)

Unless you had a simplistic scenario, there is very little information available. There is zero information regarding court processes, such as the ridiculously large volume of expensive steps involved in a spousal maintenance application on the Ministry of Justice website. If your lawyer is able to withhold this information, this is also encouraged by the lack of information from the courts. A huge imbalance of power for people who are usually in the most appalling situations. (408, Woman; Survey)

There is a big gap between what the law potentially allows for, and the actual realities of negotiating a settlement. Without an agreement between two parties, the only recourse is to take something to court and, because this is very expensive and the likelihood of being successful is something of a lottery, you are left with a very fuzzy picture of what your options realistically are. (341, Woman; Survey)

What I was actually entitled to, what I should have done, what options were available. (391, Woman; Survey)

Some participants needed information and advice about the **occupancy or sale of the family home** and the **division of household items**.

I should have had advice about staying in the family home as I had no money or job, and had children/pets to look after. (264, Woman; Survey)

Readily available assistance once house sold or advice on how to keep the house. (532, Woman; Survey)

Some property market information – the process took so long and the property market was very buoyant. (260, Woman; Survey)

I had no idea that the items left in the house were part of the division of property. I was in a rush to find somewhere to live and I needed the cash from the house buy-out in order to do that. (279, Woman; Survey)

Greater protection or help regarding abuse and family violence was needed by some participants.

Protection from incessant, abusive, emails and calls. (353, Woman; Survey)

If her abuse had been recognised it would have made things easier. (426, Man; Survey)

Help with domestic abuse. (299, Woman; Survey)

I had been a self-representing litigant and got verbally ambushed and attacked in the courtroom. With severe complex PTSD I needed protection in the courtroom and it wasn't forthcoming. I requested protection from the judge, but he denied me. I requested protection from MOJ¹⁶ staff to get to the courtroom, but they said they didn't have enough staff to protect me arriving there. I went to the Police station and requested that I be taken to the courtroom, but they said they were too busy patrolling the streets to have time to take me. So, for a victim of domestic violence, even getting to the courtroom was a problem as I have been attacked by my perpetrator so many times I feared he would use my presence, even in a public courtroom, to deliver a fatal blow. ... I just need the laws to stop protecting and excusing and exonerating perpetrators of domestic violence and then, as their final act, rewarding them for all their treachery. (398, Woman; Survey)

Others needed information and advice about **post-separation parenting issues** such as their children's day-to-day care and contact arrangements and child support.

More advice around custody of children. (257, Woman; Survey)

That he couldn't take the children or threaten me. That everything should be divided 50/50 regardless of my time off work raising the children. (497, Woman; Survey)

Input into child support and custody. (617, Man; Survey)

¹⁶ Ministry of Justice.

Steps Taken to Divide Property

The survey asked participants to select the steps they personally took to divide their property from a list that included informal steps, the use of community services, mediators, lawyers, arbitrators, family justice services and other professionals or organisations (see Table 17).

Table 17: Steps participant personally took to divide property

	<i>n</i>	%
Informal/Self-help steps		
Communicated with my former partner	248	65.8%
Talked with family members/whānau	211	56.0%
Talked with friends/acquaintances	199	52.8%
Used resources such as books, articles or pamphlets	107	28.4%
Used the Internet and/or social media	190	50.4%
Accessed support groups (including online)	39	10.3%
None of the above	27	7.2%
Community Services		
Got advice from a Community Law Centre or YouthLaw	40	10.8%
Got advice from the Citizens Advice Bureau	38	10.3%
Got advice from a community agency/organisation	15	4.1%
Got advice from my church or religious/spiritual community	12	3.3%
Got advice from my cultural community	1	0.3%
None of the above	293	79.4%
Mediators		
Used community-based free mediation	12	3.3%
Used privately-paid mediation – face-to-face	23	6.3%
Used privately-paid mediation – online	1	0.3%
Used Family Dispute Resolution (FDR) mediation	23	6.3%
None of the above	314	85.3%
Lawyers		
Got legal advice	271	71.9%
Negotiated with my former partner through lawyers	202	53.6%
Used Collaborative Law processes	44	11.7%
None of the above	61	16.2%
Arbitrators		
Used privately-paid arbitration	5	1.4%
None of the above	360	98.6%

Family Justice Services		
Used the Ministry of Justice website	86	23.3%
Phoned the Ministry of Justice 0800 phone line	16	4.3%
Got help or advice from Family Court administrative/counter staff	35	9.5%
Went to the Family Court	38	10.3%
Went to a higher court	11	3.0%
None of the above	257	69.6%
Other Professionals/Organisations		
Got advice/services from an accountant	73	19.5%
Got advice/services from a valuer	141	37.6%
Got advice/services from a real estate agent	152	40.5%
Got advice/services from a stock agent	7	1.9%
Got advice/services from a bank/finance company	96	25.6%
Got advice/services from a financial adviser	38	10.1%
None of the above	131	34.9%
Other steps	26	6.9%

N.B. One respondent skipped the question so percentages are based on n=377.

The most common steps for participants to take to divide their property were informal ones (93%) and the use of lawyers (84%). Around two-thirds (65%) used the services of a professional other than a lawyer and nearly a third (30%) used family justice services. Just over a fifth (21%) used a community service and 15% used mediation services.

Overall, the **most common steps** participants took to resolve their property division were:

- obtaining legal advice (72%).
- discussions or communication with their former partner (66%).
- talking with family/whānau (56%).
- negotiating with their former partner through lawyers (54%).
- talking with friends/acquaintances (53%).
- using the Internet and/or social media (50%).
- obtaining advice/services from a real estate agent (41%).
- obtaining advice/services from a valuer (38%).

Informal/Self-help Steps

Almost all (93%) of the participants took some informal step to divide their property. While the most common informal step taken was talking or communicating with one's former partner, it is notable that around a third (34%) of the participants did not discuss the property division with their former partner. Some participants related how one party essentially drove the process themselves.

I took over and did my own proposal and letter. (529, Woman; Survey)

I was self-representing and wanted to take my case to the High Court and was fully prepared to do so. I made three settlement offers to the applicant and left the third offer 'on the table'. That offer was finally accepted. (624, Woman; Survey)

Talking with family and friends/acquaintances were steps taken by 56% and 53% of participants respectively. Use of the Internet and social media was a step taken by half of the participants, while use of resources such as books, articles or pamphlets was less common (28%) and support groups even less so, with only 10% accessing such groups.

Community Services

Use of community services was not high, with only 21% reporting the use of such agencies. About one in ten participants sought advice from a Community Law Centre (11%) and/or Citizens Advice Bureau (10%), with very small numbers (less than 5%) seeking advice from other community organisations, or their church, religious/spiritual and/or cultural community.

Mediation

The use of mediation to assist with property division was also not high, with only 15% reporting attending free or privately paid mediation.

Lawyers

In the list of steps taken, the use of lawyers was divided into 1) obtaining legal advice, 2) negotiating with their former partner through lawyers, and 3) using Collaborative Law processes.

The use of lawyers was high – only 16% of the participants reported no use of lawyers, with 84% reporting some involvement with lawyers. Nearly three-quarters (72%) had obtained legal advice, with just over half (54%) using lawyers to negotiate with their former partner and their lawyer.

While 12% indicated they used Collaborative Law processes, the interviews revealed that participants were confused about what this meant (even though a definition was provided) and had not, in fact, used such processes and services. It is possible participants confused legal negotiation with Collaborative Law processes.

The percentage of those receiving legal advice might also be higher than the 72% shown in Table 17, as 45 participants who negotiated with their former partner through lawyers and/or indicated they used Collaborative Law processes did not also indicate that they obtained legal advice. Assuming that using such processes would have also involved lawyers providing legal advice, the overall percentage of respondents receiving some form of legal advice is likely to be 84%. Nearly a quarter (24%, $n=91$) of the participants reported seeking legal advice, but had with no other involvement with lawyers.

Arbitration

Only five participants (1%) indicated they had used privately-paid arbitration.

Family Justice Services

Nearly a third (30%) of the participants used a government-funded family justice service, most commonly accessing the Ministry of Justice website (23%). Only 10% made, or responded to, an application for a Relationship Property Order in the Family Court, and even fewer (3%) engaged with a higher court (the High Court, Court of Appeal or Supreme Court).

Other Professionals

Use of professionals other than lawyers was high, with nearly two-thirds (65%) seeking advice or services from a professional, with the most common being a real estate agent (41%) and/or a valuer (38%).

What Participants Found Helpful

After selecting all the steps they had taken to divide their property, participants were asked to indicate which ones they found **most helpful** by ranking the five steps they found the most helpful. Table 18 presents the proportion of participants taking each step who rated it as one of the **top three** most helpful steps (for example, 76% of those who obtained legal advice rated this as one of the top three most helpful steps they took). Table 18 presents the number and percentage of participants who had taken each step *and* rated it as **one of the three most helpful steps** they took (presented in order from highest to lowest).

Table 18: Most helpful steps taken to divide property

	<i>n</i>	%
Used privately-paid mediation – online (<i>n</i> =1)	1	100%
Got legal advice (<i>n</i> =271)	206	76.0%
Negotiated with my former partner through lawyers (<i>n</i> =202)	124	61.4%
Communicated with my former partner (<i>n</i> =248)	132	53.2%
Talked with family members/whānau (<i>n</i> =211)	94	44.5%
Got advice/services from an accountant (<i>n</i> =73)	31	42.5%
Talked with friends/acquaintances (<i>n</i> =199)	84	42.2%
Went to the Family Court (<i>n</i> =38)	14	36.8%
Went to a higher court (<i>n</i> =11)	4	36.4%
Used the Internet and/or social media (<i>n</i> =190)	65	34.2%
Used Collaborative Law processes (<i>n</i> =44)	15	34.0%
Got advice/services from a valuer (<i>n</i> =141)	44	31.2%
Used Family Dispute Resolution (FDR) mediation (<i>n</i> =23)	7	30.4%
Got advice/services from a real estate agent (<i>n</i> =152)	39	25.7%
Got advice from my church or religious/spiritual community (<i>n</i> =12)	3	25.0%
Used the Ministry of Justice website (<i>n</i> =86)	21	24.4%
Got advice/services from a financial adviser (<i>n</i> =38)	9	23.7%
Got advice from the Citizens Advice Bureau (<i>n</i> =38)	8	21.1%
Got advice/services from a bank/finance company (<i>n</i> =96)	19	19.8%
Used resources such as books, articles or pamphlets (<i>n</i> =107)	20	18.7%
Accessed support groups (including online) (<i>n</i> =39)	7	17.9%
Used privately-paid mediation – face-to-face (<i>n</i> =23)	4	17.4%
Got advice from a Community Law Centre or YouthLaw (<i>n</i> =40)	6	15.0%
Got advice/services from a stock agent (<i>n</i> =7)	1	14.3%
Got advice from a community agency/organisation (<i>n</i> =15)	2	13.3%
Got help or advice from Family Court administrative/counter staff (<i>n</i> =35)	3	8.6%
Used community-based free mediation (<i>n</i> =12)	1	8.3%
Phoned the Ministry of Justice 0800 phone line (<i>n</i> =16)	1	6.3%
Got advice from my cultural community (<i>n</i> =1)	0	-
Used privately-paid arbitration (<i>n</i> =5)	0	-

With the exception of privately-paid online mediation that only one participant utilised and rated as the most helpful step they took, the top two most helpful steps related to lawyers – either obtaining legal advice (76%) or negotiating with their former partner through lawyers (61%). Just over half (53%) of those who talked or communicated with their former partner rated this as one of the three most helpful steps they took to divide their property. Talking with family members/whānau and with friends/acquaintances was also very helpful with 45% and 42% respectively ranking these as one of the top three most helpful steps taken. Engaging the services of an accountant was also helpful for many; 43% of those participants who used an accountant rated this as one of the top three most helpful steps they took.

Overall, the most helpful step taken (excluding privately-paid online mediation) was to obtain legal advice – 44% of those who had done so ranked it as the **most** helpful step they had taken. This was followed by going to a higher court (36%) and talking with their former partner (30%).

Survey respondents were also asked to state what they found **particularly helpful** in dividing their property. Those who had had an **amicable separation** reported a relatively straightforward property division.

We were fortunate in that the separation was mostly amicable, we both wanted to make the situation as least bad as it could be, and we were able to agree on reasonable outcomes. (433, Man; Survey)

Because we were on 'speaking terms' all the way through, other than a surprise old debt (created by, and the responsibility for it wholeheartedly accepted, by my spouse), I feel we really did achieve reasonable equity for both of us. ... I would love to think my experience in this situation was the norm. However, I see many acquaintances experiencing much grief and angst. I'll quote my ex: when she met with her lawyer, he asked her what she wanted out of the separation? Her response - yes, she did talk about this with me - was 'only what I am entitled to'. I guess we did have a common goal, happiness again, and I reckon we now have that. My comment would be that the outcome post-division is only as good as the communication. I'm damned glad we had that level of dialogue. (470, Man; Survey)

We were married for over 40 years and in our 60s found ourselves different people than we were at 20. So, it was an agreed separation. Over the years we have watched other relationships fail, and have been horrified at the hate, bitterness and downright ugliness of those failing relationships. We were both determined that the end of our marriage would not result in that sort of nastiness. I think that determination, as well as a strong friendship, meant we have passed very satisfactorily through the end of marriage and a peaceful negotiation of our asset split. (366, Woman; Survey)

The reason my relationship with my ex ended was because I'm gay and though I tried to deny it for ages, my ex found out and she forced me to confront my sexuality. Anyway, I came out and we separated in as easy a way as we could. It still hurt both of us. We both felt sad and also frustrated at times. When we lived together, we disagreed on so many things like how to stack the dishwasher. I know we both enjoy running our houses the way we want to, without compromising. Looking back, I'm glad our split was easy. Neither of us spent anything in legal fees and our kids came through it fine without tears or tantrums. But I know our split is atypical. It's not often this easy and I expect that your survey data will have some difficult stories for you to read. But I wanted to do the survey, so you had the voice of someone who had it easy. (381, Man; Survey)

Many participants said that a **co-operative relationship with their former partner**, good communication, a willingness to be fair and reasonable, mutual respect, good faith, patience, and keeping the children's interests in mind was helpful.

My former partner and I agreeing to be civil and just split everything 50-50. (304, Woman; Survey)

Kept a non-aggressive attitude. (627, Man; Survey)

Having an ex-partner willing to be reasonable and wrap things up quickly. (389, Woman; Survey)

Being able to talk calmly with ex about situation and solution. (599, Woman; Survey)

Clear communication and patience. (551, Gender diverse person; Survey)

'Peaceful' communication with my spouse based on the information gained through legal advice. We had a common goal and this assisted in reducing friction. It allowed us to reach 'middle ground' in a very short time. (470, Man; Survey)

We just wanted it done fast and fair. We didn't dislike each other; we both just wanted to get moving in our new lives. (254, Woman; Survey)

My ex and I agreed in principle about our approach and did not sweat the small stuff. (324, Woman; Survey)

The strong desire from us both to not make matters worse for our daughter by prolonging things. (363, Man; Survey)

My former partner was very supportive. (632, Woman; Survey)

Both having the children's best interests in mind. (351, Woman; Survey)

Being on speaking terms with my ex made it easier to agree to an 'unequal' split that we both thought was fair. (233, Woman; Survey)

We relied on good faith the whole way through. (280, Woman; Survey)

Spoke with a colleague who had been through a 'clean' divorce; sought advice on how they had achieved it. As a result, my partner and I drafted a brief in which we agreed how we would walk through the process as best and cooperatively as possible. We put our children at the heart of it all, knowing that we never wanted either of them to feel they had to choose or side with a parent. There were moments in which we needed to come back to the 'mission statement', but by the end we resolved everything really well and not only did he thank me and I thanked him, but our daughters thanked us too for how we walked through all of it. ... Keeping the 'project brief' front of mind was critical. I drafted it and he'd agreed with it. Became a real touchstone to come back to, when needed (if conversations started to get heated). Communication was key. Keeping it objective and not subjective and ensuring it never got unpleasant. Being patient. ... Luckily, we didn't argue about 'the forks'; were in agreement about what I retained and what he kept. ... Was surprisingly straightforward (not without

challenging moments), especially as we had certainly had some financial arguments during the relationship - who doesn't? (458, Woman; Survey)

Having previous discussions about property division or entering into a **contracting out or prenuptial agreement** was also helpful.

Having a prenup. Being able to negotiate calmly and respectfully with ex. (364, Man; Survey)

Most helpful was the contracting out agreement. (632, Woman; Survey)

Familiarity with their financial situation (including having financial independence) and having documentation was seen as helpful.

I knew what all our property was worth. I kept very good records of purchases and values. I also know the property market well so knew what the values were. (175, Woman; Survey).

Knowing the figures involved. (574, Woman; Survey)

Having prepared all the files and documents. (383, Woman; Survey)

We didn't have to pay a fortune because I gathered/prepared the financial analysis and he helped get valuations etc. Keeping that part 'black and white' was helpful. (416, Woman; Survey)

Our relationship was probably unusual in that, even after 15 years together, we had pretty separate finances. That was a lifesaver for me. I was not dependent on him. I worked and we had no kids. (199, Woman; Survey)

Itemising assets/liabilities and household items in **lists or spreadsheets enabled** separated people to identify and divide their property fairly and efficiently.

We were very pragmatic so as to avoid legal costs. I took legal advice, but that was a five minute conversation with a lawyer friend of mine. My ex and I set up a GoogleDoc to list what we owned, what we wanted to take from the relationship, plus another GoogleDoc to plan childcare. We listed things like furniture and assets and put our name beside what we really wanted to keep. We then negotiated if we both wanted to keep the same thing. I was happy to leave my ex with most of the furniture and stuff because I had a job and a decent income so I could always buy what I needed, but I knew she didn't have a job and wasn't planning to find one. (367, Man; Survey)

We drew up a private agreement between the two of us, listing assets, super, debts and current values and divided it as evenly as possible. (366, Woman; Survey)

Kept a detailed list of what each partner was to retain. (208, Woman; Survey)

We listed the mortgage, KiwiSaver and incomes in a spreadsheet to determine the split. Listed all household items and then we agreed who will acquire what - roughly taking value into account. This made the financial split very fast and efficient for us both. We agreed 90% between ourselves and the lawyers helped with the remaining. (452, Man; Survey)

A Google doc we could both edit. (276, Woman; Survey)

Lawyers were the most frequently mentioned professional who participants found particularly helpful. They provided legal advice, negotiated an outcome, and communicated between the parties.

I had a fantastic lawyer who was able to cut through the legal crap and advise on what was necessary and what my rights were. She was also able to advise in advance of what some of the challenges may be, allowing me to plan in advance. (169, Woman; Survey)

The lawyer listening to us, not telling us just what the law said. (572, Woman; Survey)

My lawyer. He was able to explain to my ex-partner that our agreement was fair and my partner's lawyer advised, but did not push for, a 50/50 split. (306, Woman; Survey)

Leaving the hard negotiating to my lawyer. (523, Woman; Survey)

Lawyer helped a lot as the relationship was abusive. ... Lawyers helped through the [negotiation] process and then later directly when the relationship had broken down further and I wasn't feeling safe to meet or talk with him. (171, Woman; Survey)

I was new to this process, so the legal advice was the most helpful - though I think that my ex-wife had the better-informed lawyer! (176, Man; Survey)

I tried to negotiate with my partner without paying a lawyer, but needed the back-up of a lawyer to achieve an agreement. (173, Woman; Survey)

I made sure I had a lawyer that specialised in separations, without mediation or Family Court. She knew the law well. (175, Woman; Survey)

Having a good lawyer. Was worth his weight in gold. (199, Woman; Survey)

I am certain that the advice and support we both received from our individual legal advisers was a very big part in assisting us with many decisions. (470, Man; Survey)

A good lawyer is expensive - \$700 per hour - but cut through the BS quicker. (230, Man; Survey)

My excellent lawyer who refused to let me be 'too nice' and made sure I was not a push over. (523, Woman; Survey)

My lawyer advised me that I would be entitled to extra due to putting my career on hold to be primary parent to four children at my spouse's request. Not enough people know about this. I used it as leverage to get my spouse to agree to settle quickly on my terms. (443, Woman; Survey)

Valuers were also considered helpful for providing independent valuations.

Getting an independent fair valuation on the property and splitting what they came up with. (480, Man; Survey)

Having valuations done of the properties so up-to-date values were available. (180, Woman; Survey)

Survey respondents said that other **financially oriented institutions and professionals**, such as banks, mortgage managers and financial advisers, were helpful, including when working in collaboration with lawyers and valuers.

Lawyer and accountant working together. (299, Woman; Survey)

Having a lawyer who knew the issues I was facing and a bank adviser who was able to support my application for a non-50/50 split. (479, Woman; Survey)

Having a good lawyer and a good mortgage manager who knew my banking history. (210, Woman; Survey)

Working with our partnership lawyer, the bank and then my own lawyer to finish things off. Being reasonable meant everyone was there to help. (485, Woman; Survey)

Other professionals and agencies that were said to be helpful included mediators, judges, social workers, counsellors, psychotherapists, addiction services and Women's Refuge.

The mediator was great. (545, Woman; Survey)

While I needed lawyers to get to mediation this was a transformational step to moving on. (540, Woman; Survey)

Finally getting in front of a judge after years of mediation, legal letters, thousands of dollars of legal fees etc. If an ex-partner wishes to resist division of property, the current system of avoiding court means they can drag it out for years. The compliant person, or the one who follows the rules, suffers as a result. (419, Woman; Survey)

The social worker was very helpful. (409, Woman; Survey)

I saw a psychotherapist throughout to provide support. (324, Woman; Survey)

Because of my history of leaving and going back when I believed his behaviour would change, I had to get help to leave and not go back. Counselling services at Living

Without Violence and the Drug and Addiction Service at the Salvation Army helped prepare me for the separation and noncontact required. (519, Woman; Survey)

I became a member of the Backbone Collective and this has been the most supportive helpful step I have taken because the reality of domestic violence in all its forms is well understood and NOT denied. (484, Woman; Survey)

A person's own professional expertise could also be helpful to them.

I was a real estate agent and this was invaluable to me from a finance, experience, professional point of view. (362, Woman; Survey)

Friends were praised for acting as a sounding board and providing emotional support and helpful advice, particularly if they had legal knowledge or had experienced relationship property division themselves.

Emotional support from friends when it got tough and I wanted to walk away from everything. (198, Woman; Survey)

Having a friend who had been through it a year before and understanding how she'd used a spreadsheet to tally everything. Also talking to a couple of friends who were lawyers. (253, Woman; Survey)

Talking with a colleague and learning how it could be done well - priceless. (416, Woman; Survey)

I have a friend who is a lawyer and a friend who does dispute resolution. They didn't give me a lot of information, but what they did give me was very helpful. (237, Woman; Survey)

Friends aren't really part of any "property division" but, in many ways, they are essential assets for emotional support and sometimes even financial. (190, Woman; Survey)

Other helpful strategies included remaining calm, not rushing to an outcome, seeking a range of opinions, taking a simple approach to the division, and refusing to be intimidated.

Keeping breathing, not rushing to give in or make decisions. (226, Woman; Survey)

A calm head and a well held tongue! (268, Woman; Survey)

Being bloody stubborn and refusing to be intimidated by threats made by my former partner or his lawyer. (190, Woman; Survey)

Timing could be a helpful strategy, particularly when a **former partner's guilt** over the ending of the relationship was capitalised on in relation to the property division.

Timing was really my best strategy. I hit him with a proposal quickly while he was still focused on chasing his mistress. By the time he'd broken up her marriage and they'd settled into their relationship, our agreement was well over and done with. (302, Woman; Survey)

He was feeling guilty and wanted out as soon as possible, so it was fairly easy to split everything in half. (285, Woman; Survey)

Getting the property division done early while he was wallowing in guilt and so avoiding a long, drawn-out process causing even more misery. (566, Woman; Survey)

Professionals or Services First Approached

Participants were asked which professional or service they first sought help, advice or information from when beginning the process of dividing their property.

Table 19: Which was the *first* professional or service you saw or got help, advice or information from?

Professional or service	<i>n</i>	%
Lawyer	248	74.9%
Ministry of Justice website	17	5.1%
Community Law Centre	13	3.9%
Citizens Advice Bureau	13	3.9%
Accountant	10	3.0%
Social service/community agency/organisation	10	3.0%
Valuer	7	2.1%
Mediator	5	1.5%
Other financial professional*	4	1.2%
Counsellor	2	0.6%
Family Court	1	0.3%
Real estate agent	1	0.3%
Total	331	100%

*'Other financial professionals' included a bank manager, financial adviser, trust manager, and mortgage broker.

As shown in Table 19, lawyers had a strong lead as the professional that participants *first* saw or sought help, advice or information from. Three-quarters (75%) indicated that lawyers were the first professional they engaged with.

Valuation of Assets and/or Debts/Liabilities

The majority (71%, *n*=267) of the participants had had their assets and/or debts valued by a professional and, of those, the most commonly used professionals were valuers and real estate agents (see Table 20). Over half (55%) of the participants who had property valued had used a valuer, and this included using art, furniture and jewellery valuers, as well as real

estate valuers. A similar proportion (53%) used real estate agents to determine the value of their property. Over a quarter (29%) reported that it was a lawyer who had valued their assets and/or liabilities.

Table 20: Did you use any of the following professionals to value your assets and/or debts/liabilities?

Professional	<i>n</i>	%
Valuer	146	54.7%
Real estate agent	142	53.2%
Lawyer	76	28.5%
Accountant	48	18.0%
Banker	32	12.0%
Stock agent	10	3.7%
Financial adviser	10	3.7%
Other professional*	8	3.0%

* Other professionals included mortgage broker, car dealer, share company, jeweller, and financial analyst.

Dispute Resolution Pathways

How the participants ultimately settled their property division is presented in Table 21. The original survey categories have been collapsed into four major categories:

1. Self-resolution: essentially those participants who resolved the matter largely without the use of professionals within the negotiation process. This includes those who decided their property division with their former partner, those whose property division was decided unilaterally by one party, and those situations where no real decisions were made and the property division ‘just happened’.
2. Mediation: those who resolved their property division through mediators.
3. Lawyers: those who resolved their property division through lawyers or Collaborative Law processes.
4. Courts: those who resolved their property division through the courts – either the Family Court or higher courts.

Table 21: In the end, what was the main way your property division was sorted out?

Resolution pathway	<i>n</i>	%
Self-resolution	177	47.3%
Mediation	6	1.6%
Lawyers	160	42.8%
Courts*	29	7.8%
Other+	2	0.5%
Total	374	100%

N.B. Two participants skipped the question and two did not know or could not remember how their property division was sorted out, hence $n=374$.

*Those sorting out their property division through the courts mainly used the Family Court ($n=25$), with four participants using a higher court.

+ This included declaring bankruptcy and determining the property division with an accountant.

The participants mainly sorted out their relationship property division themselves (47%) or through lawyers (43%), with low use of the courts (8%) or mediation (2%).¹⁷

For further analysis, due to the small number ($n=6$) who resolved their property division through mediation, the dispute resolution pathways were further collapsed into three categories (see Table 22) comprising:

1. Self-resolution.
2. Through professionals – including lawyers, mediators and, in one case, an accountant.
3. Through the courts.

Table 22: Collapsed resolution pathways

Resolution pathway	<i>n</i>	%
Self-resolution	177	47.5%
Through professionals	167	44.8%
Through the courts	29	7.8%
Total	373	100%

N.B. Data from participants who skipped the question ($n=2$), could not remember how the matter was resolved ($n=2$), or whose resolution pathway did not fit into one of the three categories ($n=1$) were excluded, hence $n=373$.

In order to determine how well the resolution pathway that participants took to divide their property worked, participants were asked how strongly they agreed or disagreed with a series of statements, which are presented in the Tables 23–29, and Figures 5–11.

- ‘The process worked well for me’ (see Table 23 and Figure 5).
- ‘The process worked well for my former partner’ (see Table 24 and Figure 6).
- ‘I had an adequate opportunity to put my position forward’ (see Table 25 and Figure 7).
- ‘My former partner had an adequate opportunity to put their position forward’ (see Table 26 and Figure 8).
- ‘The process was fair’ (see Table 27 and Figure 9).
- ‘The time it took was reasonable’ (see Table 28 and Figure 10).
- ‘I was satisfied with the approach taken’ (see Table 29 and Figure 11).

Please note, in the figures, the categories ‘agree’ and ‘strongly agree’ and ‘disagree’ and ‘strongly disagree’ have been collapsed.

¹⁷ While provided as a survey option, no participants resolved their property division through arbitration.

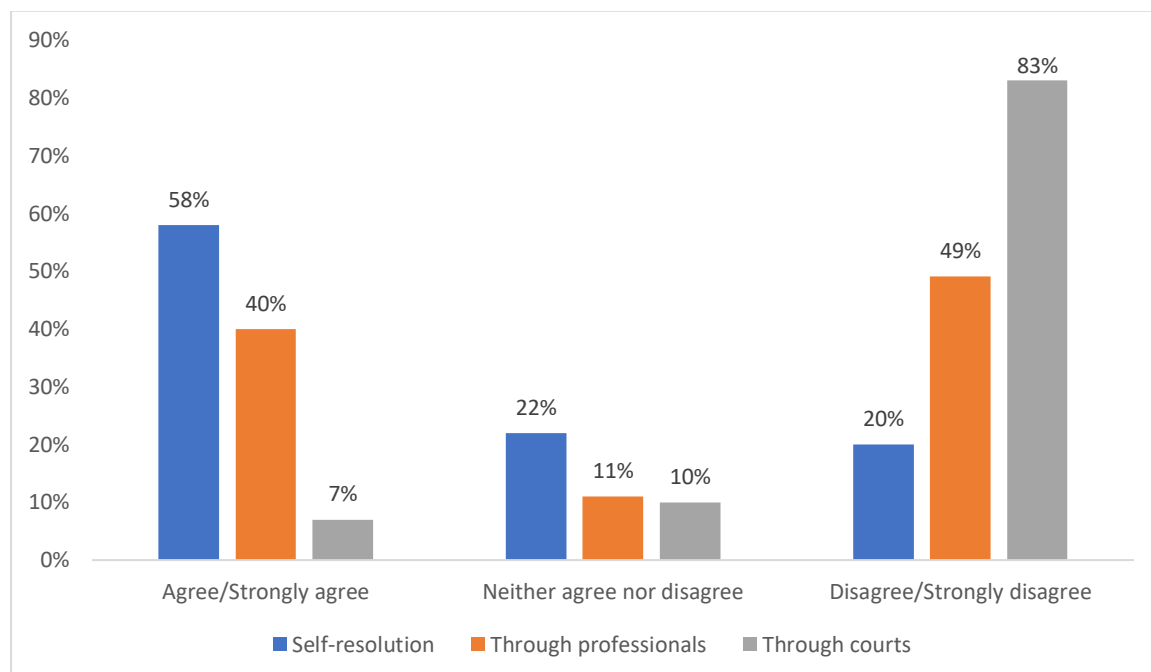
'The Process Worked Well For Me'

Table 23: Agreement with 'The process worked well for me' by resolution pathway

Resolution pathway	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total n=373
Self-resolution	22.0%	36.2%	22.0%	11.9%	7.9%	177
Through professionals	9.0%	30.5%	11.4%	23.4%	25.7%	167
Through the courts	0.0%	6.9%	10.3%	13.8%	69.0%	29

As shown in Table 23 and Figure 5, the majority (58%) of those who resolved their property division with their former partner largely by themselves agreed or strongly agreed that the dispute resolution process had worked well for them, with only a fifth indicating it had not. The reverse trend was seen with those who had determined their property division through either the Family Court or a higher court – only 7% agreed (and none strongly agreed) that the process had worked well for them, with the vast majority (83%) disagreeing or strongly disagreeing with the statement. Notably, over two-thirds (69%) *strongly* disagreed that the court process had worked for them. The proportions of those who agreed or strongly agreed that the process worked for them, were highest for those who self-resolved, decreased for those who used professionals, and were lowest for those who determined their property division through the courts.

Figure 5: Agreement with 'The process worked well for me'



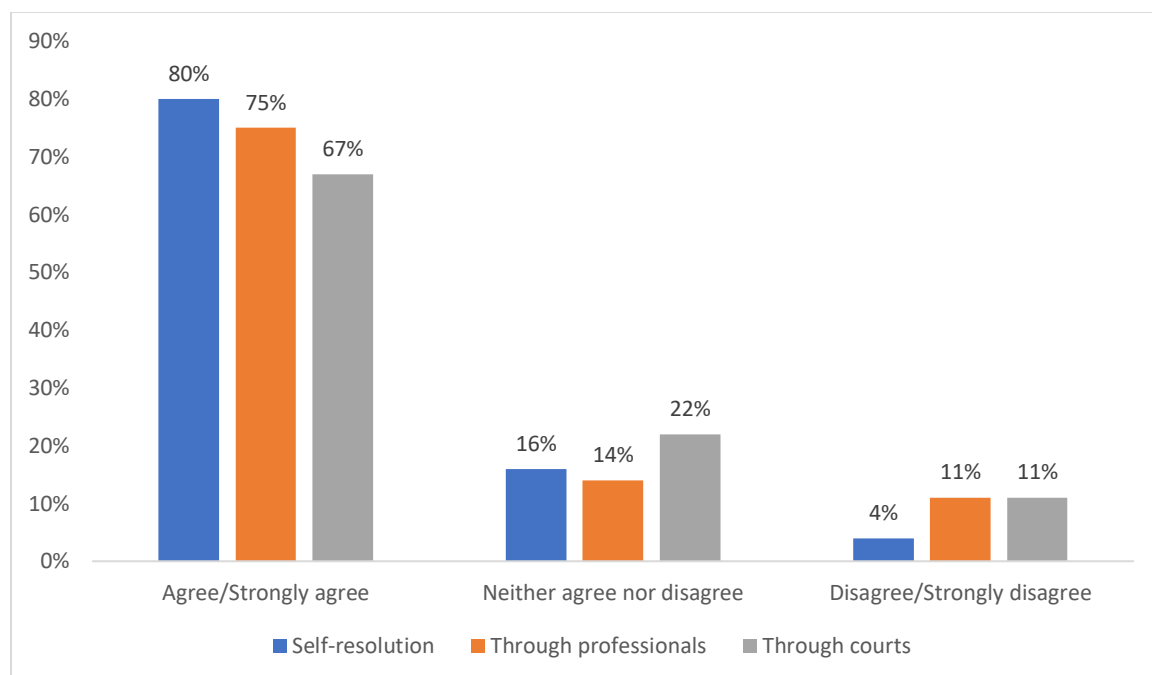
‘The Process Worked Well For My Former Partner’

Table 24: Agreement with ‘The process worked well for my former partner’ by resolution pathway

Resolution pathway	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don’t know /Not sure	Total <i>n</i> =372
Self-resolution	31.6%	40.7%	14.1%	2.3%	1.1%	10.2%	177
Through professionals	33.1%	37.3%	13.3%	4.8%	5.4%	6.0%	166
Through the courts	48.3%	13.8%	20.7%	3.4%	6.9%	6.9%	29

Figure 6 presents the percentages of participants who provided a rating of how well they thought the process worked for their former partner, excluding those who did not know or were not sure how the process worked for their former partner (*n*=30).

Figure 6: Agreement with ‘The process worked well for my former partner’



As shown in Table 24 and Figure 6, regardless of the dispute resolution pathway taken, the majority of the participants agreed or strongly agreed that the process had worked well for their former partner. As with those agreeing that the process worked well for them, a similar (but less marked) trend emerged for the ratings for how well the process worked for the participant’s former partner. As Figure 6 shows, a greater proportion (80%) of those who self-resolved thought the process had worked well for their former partner, than those who had determined their property division through professionals (75%), or through the courts (67%). Overall, when comparing Figures 5 and 6, far greater proportions thought the process had worked well for their former partner than thought it had worked well for them, regardless of the dispute resolution process used. For instance, while only 7% thought the

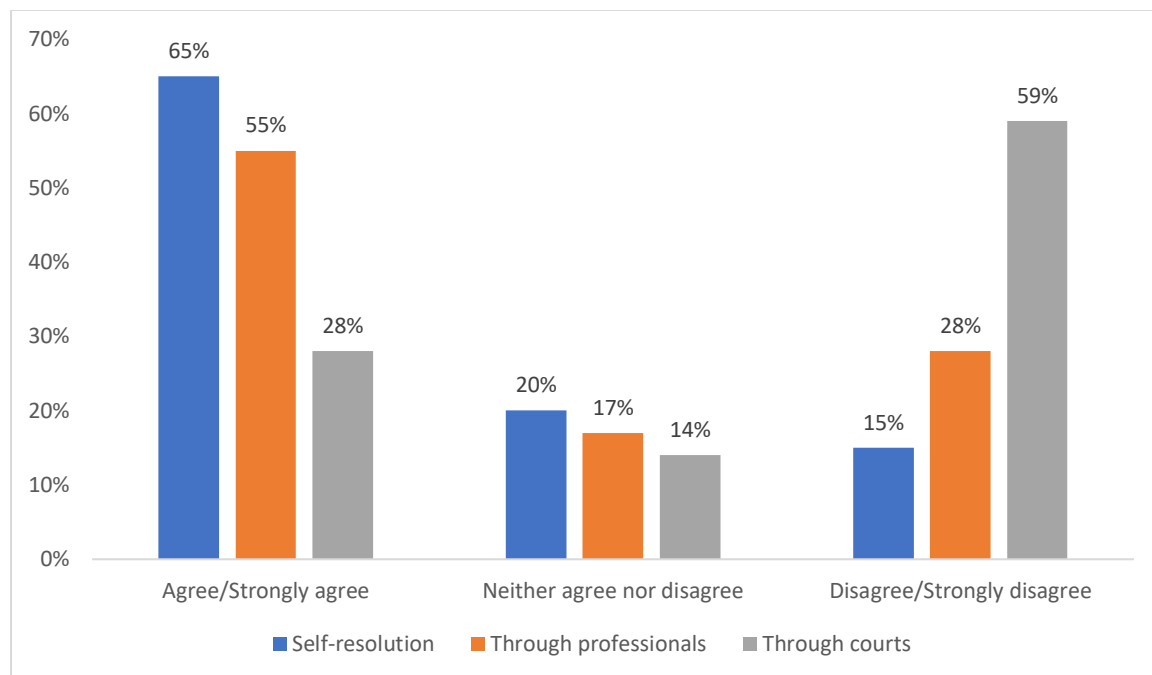
court process had worked well for them, two-thirds thought it had worked well for their former partner.

‘I Had an Adequate Opportunity to Put My Position Forward’

Table 25: Agreement with ‘I had an adequate opportunity to put my position forward’ by resolution pathway

Resolution pathway	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total n=373
Self-resolution	17.5%	47.5%	19.8%	9.6%	5.6%	177
Through professionals	11.4%	43.7%	17.4%	16.2%	11.4%	167
Through the courts	13.8%	13.8%	13.8%	13.8%	44.8%	29

Figure 7: Agreement with ‘I had an adequate opportunity to put my position forward’



As Table 25 and Figure 7 show, nearly two-thirds (65%) of those participants who had resolved their property division with their former partner themselves agreed or strongly agreed that they had had an adequate opportunity to put their position forward, while the majority (59%) of those who resolved their property division through the courts disagreed or strongly disagreed with this statement.

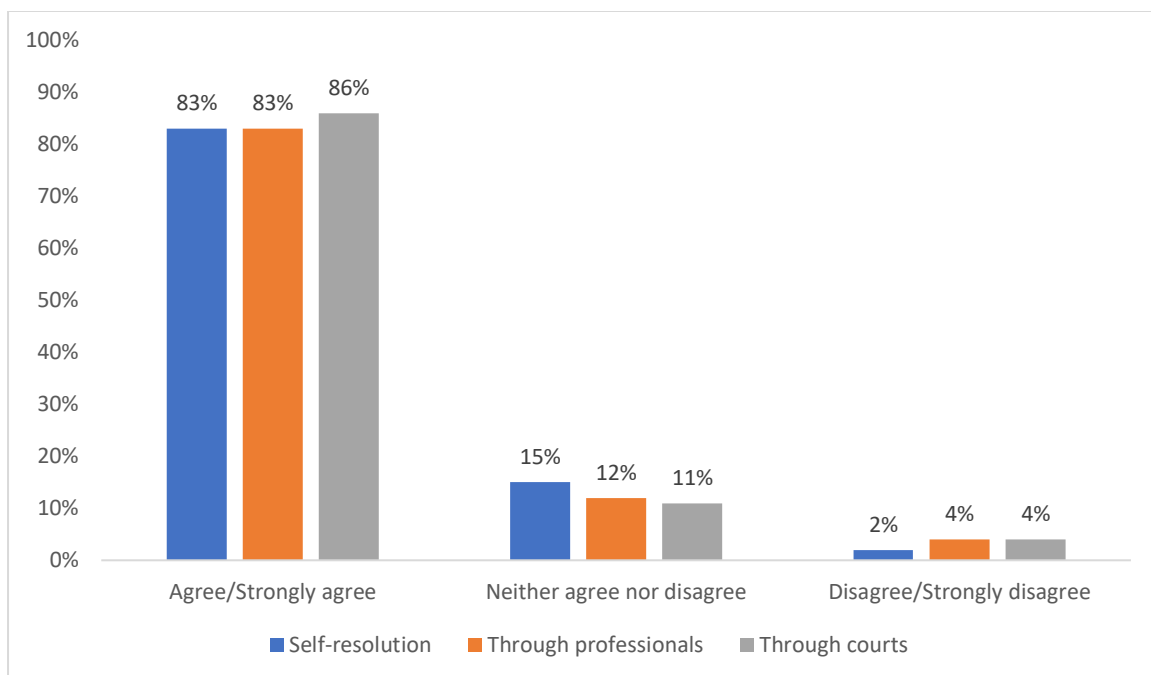
'My Partner Had an Adequate Opportunity to Put Their Position Forward'

Table 26: Agreement with 'My former partner had an adequate opportunity to put their position forward' by resolution pathway

Resolution pathway	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know /Not sure	Total <i>n</i> =373
Self-resolution	32.2%	48.0%	14.1%	2.3%	0.0%	3.4%	177
Through professionals	32.9%	47.3%	12.0%	2.4%	1.8%	3.6%	166
Through the courts	51.7%	31.0%	10.3%	0.0%	3.4%	3.4%	29

Figure 8 presents the percentages of participants who provided a rating about whether they agreed or disagreed that their former partner had had an adequate opportunity to put their position forward and excluded those who did not know or were not sure ($n=13$).

Figure 8: Agreement with 'My former partner had an adequate opportunity to put their position forward'



N.B. Percentages of those who did not know or weren't sure were excluded.

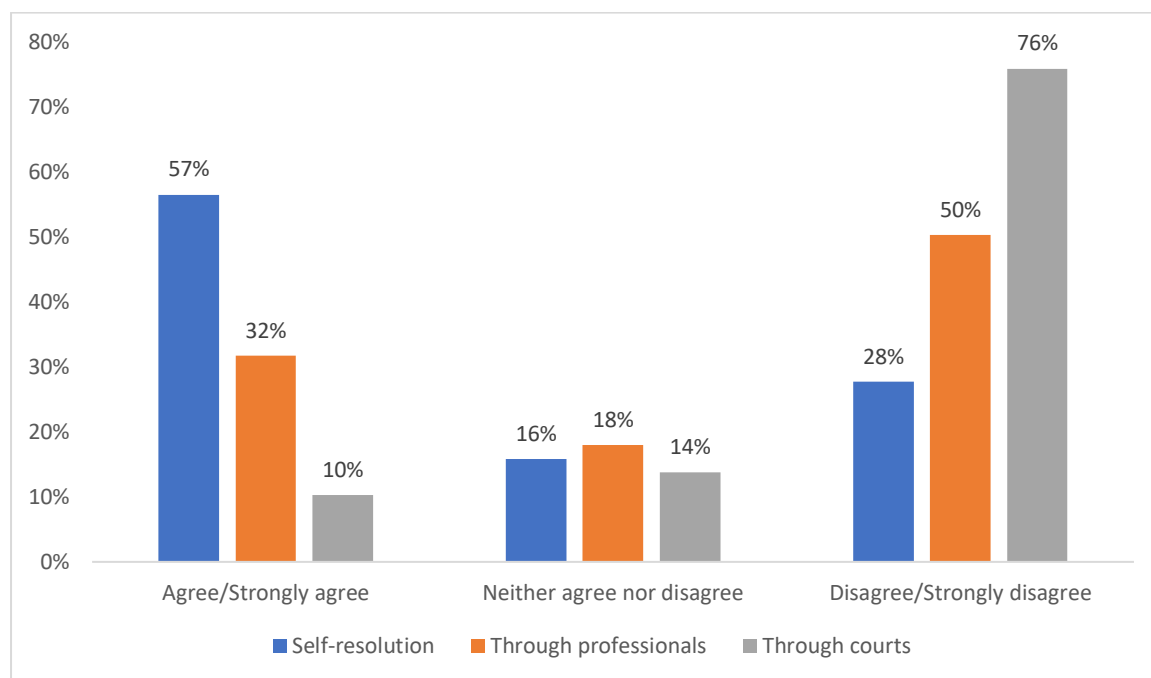
As shown in Table 26 and Figure 8 regardless of the dispute resolution pathway taken, the vast majority (between 83% and 86%) of the participants agreed or strongly agreed that their former partner had an adequate opportunity to their position forward. Similarly, as for views about how well the process worked for them compared with their former partner, much higher proportions of participants thought their former partner had had an adequate opportunity to state their position than thought they themselves were given an adequate opportunity to do so (see Figure 7).

'The Process was Fair'

Table 27: Agreement with 'The process was fair' by resolution pathway

Resolution pathway	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total n=373
Self-resolution	18.6%	37.9%	15.8%	16.9%	10.7%	177
Through professionals	9.0%	22.8%	18.0%	22.8%	27.5%	167
Through the courts	6.9%	3.4%	13.8%	13.8%	62.1%	29

Figure 9: Agreement with 'The process was fair'



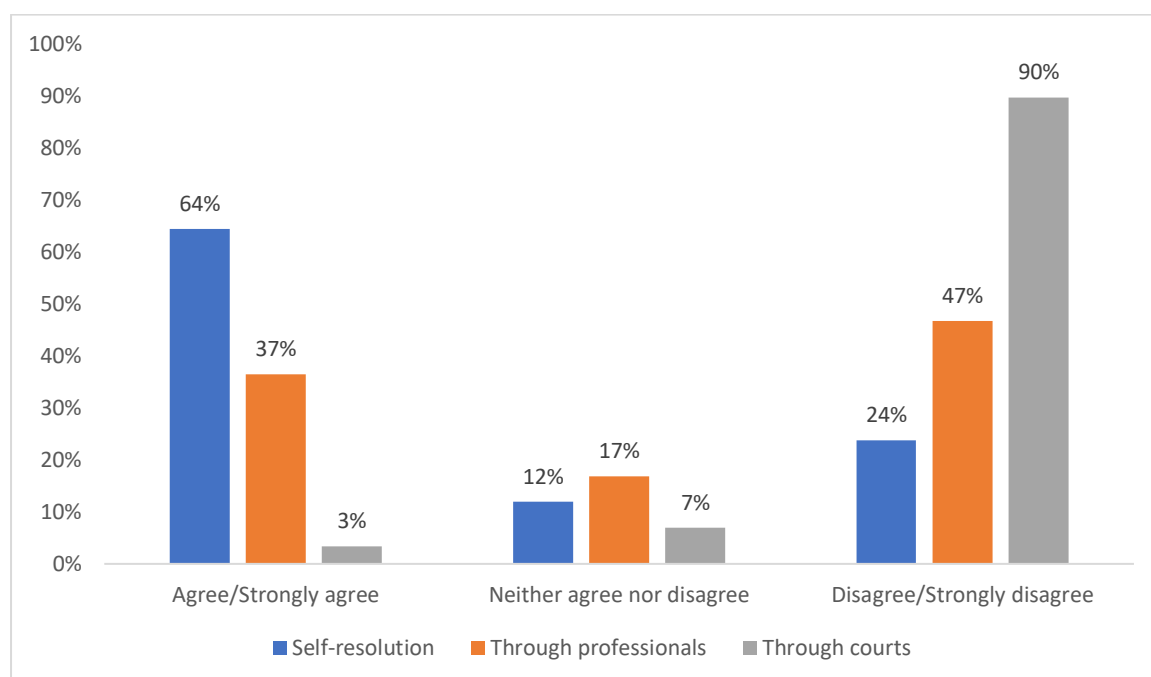
As shown in Table 27 and Figure 9, the majority (57%) of those who determined their property division themselves agreed or strongly agreed that the process was fair, compared with less than a third (32%) who resolved their division through professionals and only 10% of those using the courts. In contrast, over three-quarters (76%) of those who resolved their property division through the courts disagreed or strongly disagreed that the process was fair, as did half of those who resolved the matter through professionals. While over half (57%) of those who self-resolved thought the process was fair, over a quarter (28%) did not.

'The Time it Took Was Reasonable'

Table 28: Agreement with 'The time it took was reasonable' by resolution pathway

Resolution pathway	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total n=373
Self-resolution	19.8%	44.6%	11.9%	18.1%	5.6%	177
Through professionals	5.4%	31.1%	16.8%	19.2%	27.5%	167
Through the courts	0.0%	3.4%	6.9%	10.3%	79.3%	29

Figure 10: Agreement with 'The time it took was reasonable'



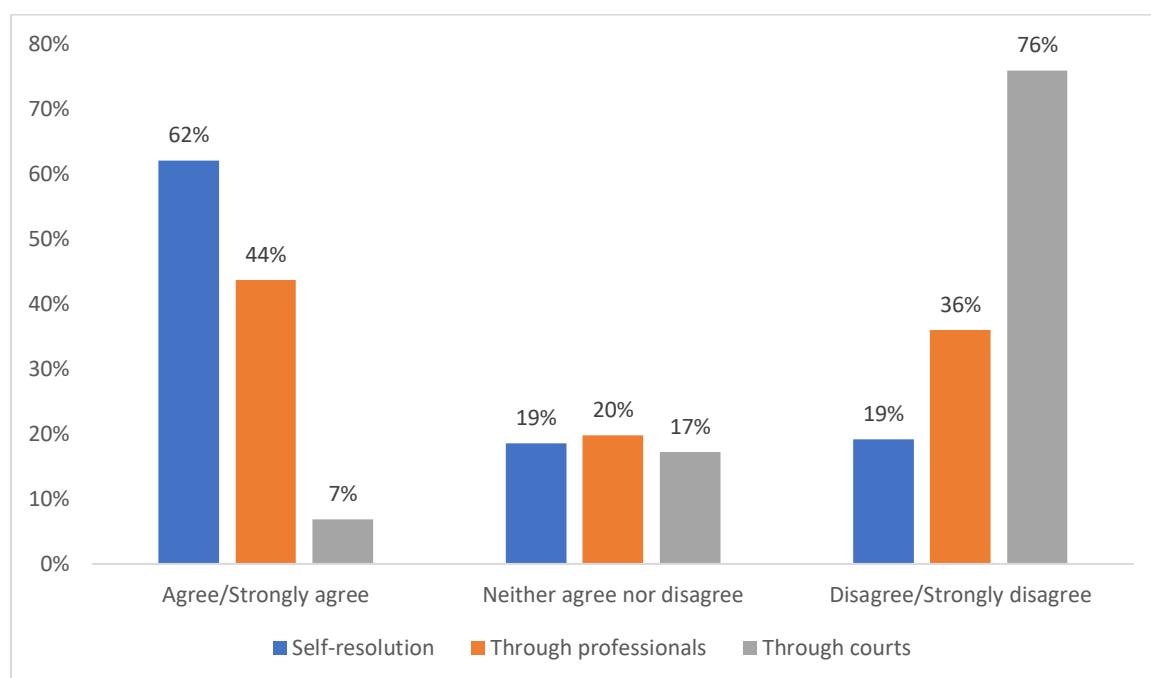
As shown in Table 28 and Figure 10, almost three-quarters (64%) who resolved their property division themselves thought the time it took was reasonable, compared with only 3% who had their property division determined through the courts. Nearly all (90%) of those who used the courts did not think the time it took was reasonable, with 79% strongly disagreeing with this statement.

'I Was Satisfied with the Approach Taken'

Table 29: Agreement with 'I was satisfied with the approach taken' by resolution pathway

Resolution pathway	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Total n=373
Self-resolution	18.6%	43.5%	18.6%	12.4%	6.8%	177
Through professionals	6.6%	37.1%	19.8%	16.8%	19.8%	167
Through the courts	0.0%	6.9%	17.2%	17.2%	58.6%	29

Figure 11: Agreement with 'I was satisfied with the approach taken'



As shown in Table 29 and Figure 11, over three-quarters of those who resolved their property division through the courts were not satisfied with this approach, compared with less than a fifth (19%) who had self-resolved. Most (62%) of the participants who had determined their property division themselves agreed or strongly agreed that they were satisfied with this approach, while only 7% of those using the courts agreed they were satisfied.

In summary, several trends emerged in the participants' perspectives on the resolution processes they used to determine their property division with their former partners. For ratings relating to themselves:

1. Self-resolvers consistently showed a trend where the majority agreed or strongly agreed with the statement (which was framed positively), whereas the reverse was true for those who used the courts, with the majority disagreeing or strongly disagreeing with each statement. No consistent pattern emerged for those resolving their property division through professionals.

2. For those agreeing or strongly agreeing with each statement, self-resolvers always had the highest proportions, followed by those who had determined their property division through professionals, and then the lowest proportion was for those who had used the courts. This 'step-down' trend depicted in the graphs was reversed for those who disagreed or strongly disagreed with each statement.

Comparing ratings of how well the process worked for themselves and their former partner, and whether they and their former partner had had an adequate opportunity to put their position forward, revealed that the participants perceived the process was more favourable for their former partner than for themselves, regardless of the dispute resolution process used (see Table 30). However, the differences were more pronounced for those who had determined their property through the courts, where an almost 60% difference between ratings of each statement was found depending on the subject (the participant or their former partner).

Table 30: Percentage agreeing or strongly agreeing with each statement by resolution pathway

Statement	Self-resolution	Through professionals	Through courts	Overall
The process worked well for me	58.2%	39.5%	6.9%	45.4%
The process worked well for my former partner	80.5%	75.0%	66.7%	76.5%
I had an adequate opportunity to put my position forward	65.0%	55.1%	27.6%	57.8%
My former partner had an adequate opportunity to put their position forward	83.0%	83.2%	85.7%	83.5%

The Cost of Property Division

Property Division Expenditure

Participants were asked to indicate what expenses they had incurred to divide property with their former partner (see Table 31).

Table 31: What did you spend money on to divide your property?

Expense	<i>n</i>	%
Lawyer/legal fees	320	84.7%
Valuer fees	138	36.5%
Accountant fees	59	15.6%
Court application fees	40	10.6%
Mediation fees	19	5.0%
Court ordered costs	5	1.3%
Arbitration fees	5	1.3%
Other	13	3.4%
None of the above – did not spend any money	52	13.8%

The most common expense, incurred by 85% of the participants, was for engaging the services of a lawyer. Paying valuer fees (37%) and accountant fees (16%) were the next most common expenses. Almost 14% noted that they did not spend any money to divide their property, the majority (96%) of whom, unsurprisingly, resolved their property division largely just with their former partner without the use of professionals.

Other costs incurred included real estate commissions/fees for the sale of the family home/other property; bank fees (including mortgage breakage fees); travel costs in order to undertake negotiations; storage fees; liquidation costs; hiring a truck; property outgoings; and mental health professionals' fees (e.g., counsellors and psychologists).

Fees incurred were for the sale of our family home. We didn't use lawyers to divide our property. (422, Woman; Survey)

No fees apart from real estate sales. (193, Man; Survey)

Travel and accommodation to return to NZ from [overseas country] for negotiations. (375, Woman; Survey)

I also had to pay a few thousand dollars in mortgage break fees to remortgage. (250, Woman; Survey)

Only cost was hiring a truck. (388, Woman; Survey)

The cost includes paying all outgoings on property for three years while ex-partner had left the country and refused to participate in separation process and divorce process. (317, Woman; Survey)

Getting bank issues sorted. (369, Man; Survey)

Storage fees, psychologist for advice. (353, Woman; Survey)

Around 14% **did not spend any money** at all to divide their property.

We simply agreed the distribution. I spent no money on dividing the assets. (357, Man; Survey)

Table 32 presents the total amount that participants spent on dividing their property.

Table 32: Total amount spent to divide property

Expense	<i>n</i>	%
\$1-\$500	8	2.7%
\$501-\$1000	16	5.3%
\$1001-\$2000	36	12.0%
\$2001-\$5000	99	33.0%
\$5001-\$10,000	50	16.7%
\$10,001-\$20,000	33	11.0%
\$20,001-\$50,000	29	9.7%
\$50,001-\$75,000	13	4.3%
\$75,001-\$100,000	5	1.7%
\$100,001-\$150,000	7	2.3%
\$150,001-\$200,000	0	-
\$200,001-\$300,000	0	-
\$300,001-\$500,000	2	0.7%
\$500,000 or more	2	0.7%
Total	300	100%

N.B. Twenty-three participants (6%) could not remember or did not know how much they had spent, three skipped the question and 52 participants did not spend any money to divide their property. Hence, *n*=300.

The most common amount spent by participants dividing their property was \$2000-5000, with a third spending this amount. Half of the participants spent between \$2000-10,000, with the majority (70%) spending \$10,000 or less. Expenditure over \$75,000 was less common, with 5% (*n*=16) spending this amount. Four participants had spent \$300,000 or more dividing their property.

Perspectives on the Reasonableness and Affordability of Expenditure

Tables 33 and 34 present participants' perspectives on how reasonable and how affordable they thought the amount they spent was.

Table 33: How reasonable was the amount you spent?

	<i>n</i>	%
Very reasonable	21	7.0%
Reasonable	81	27.0%
Neither reasonable nor unreasonable	84	28.0%
Unreasonable	69	23.0%
Very unreasonable	45	15.0%
Total	300	100%

Table 34: How affordable was the amount you spent?

	<i>n</i>	%
Very affordable	13	4.3%
Affordable	90	30.0%
Neither affordable nor unaffordable	74	24.7%
Unaffordable	66	22.0%
Very unaffordable	57	19.0%
Total	300	100%

As Table 33 shows, the proportion of those who thought what they spent to divide their property was reasonable (34%) did not differ greatly from the proportion who thought the amount they spent was unreasonable (38%). Similarly, with regard to affordability, 34% thought what they had spent was affordable, while 41% thought it was it unaffordable (see Table 34). Overall, just over a third (34%) of the participants rated the amount they spent to divide their property as reasonable and affordable.

Figures 12 and 13 (below) show that, for expenditure over \$5000, more participants rated the amount as unreasonable and/or unaffordable, than rated it as reasonable and/ or affordable.

Figure 12: Reasonableness of amount spent

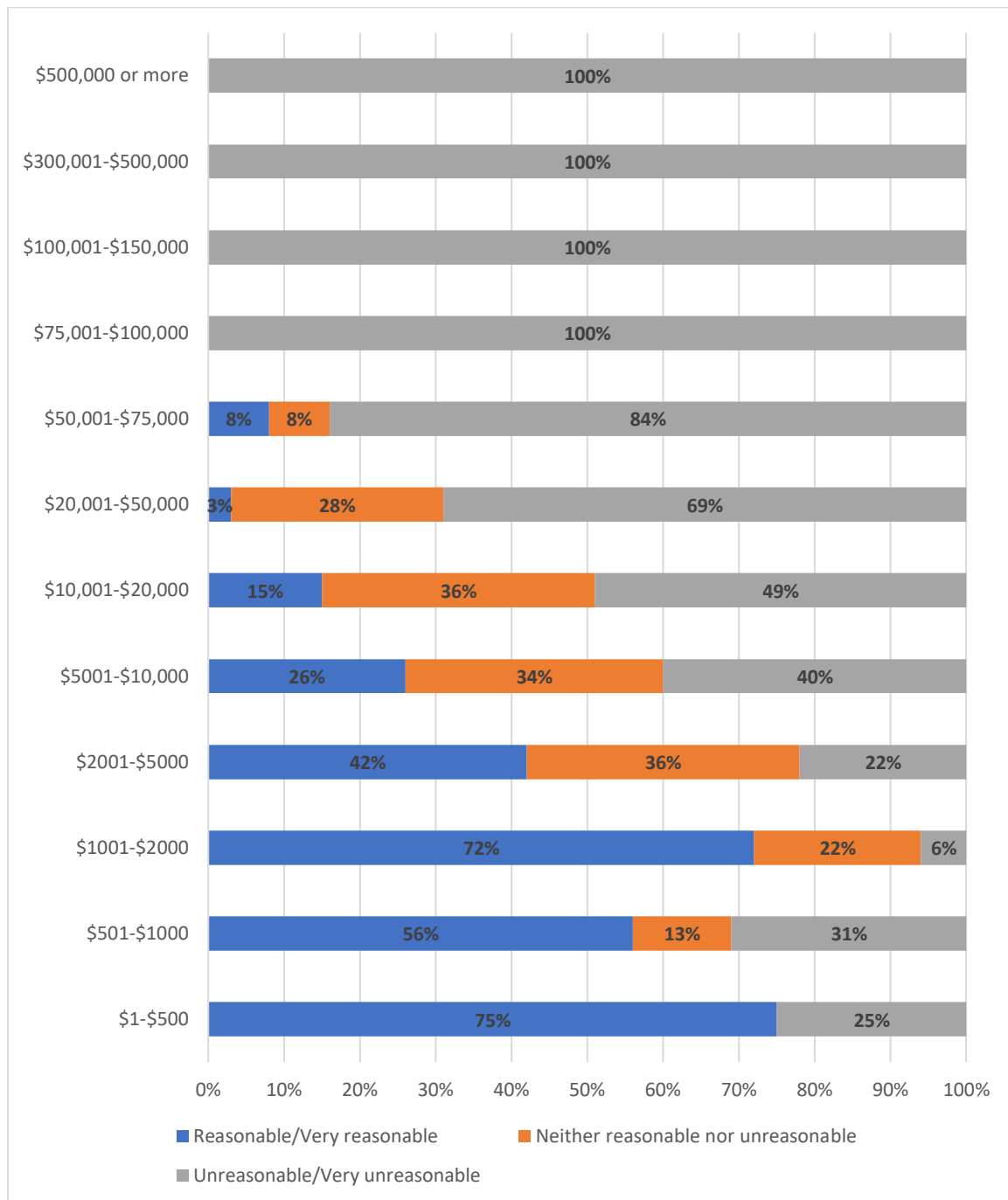
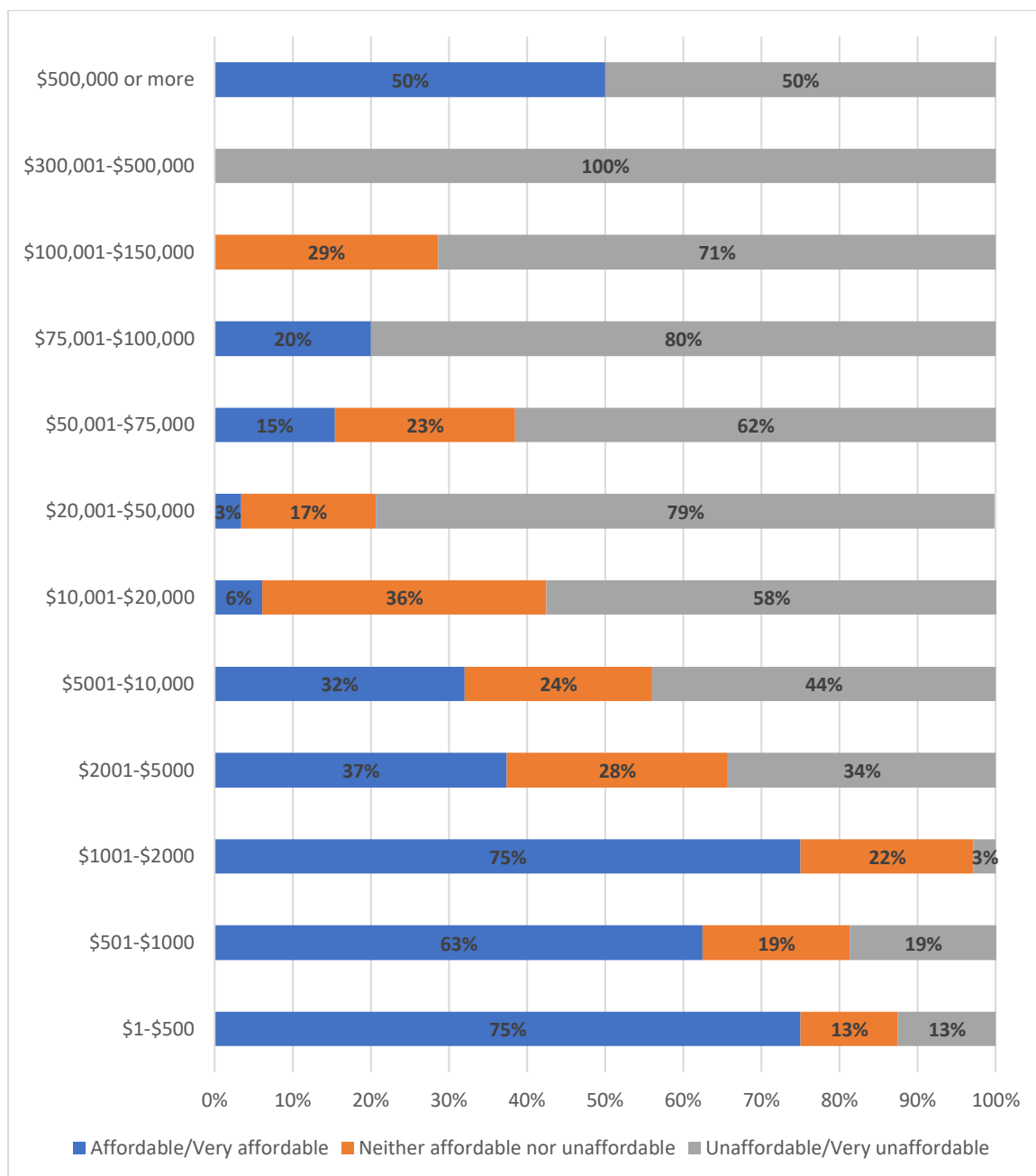


Figure 13: Affordability of amount spent



Several people mentioned that their ability to pay legal fees was affected by their **poor financial status** due to having no money, being a beneficiary, or earning a low income.

I was receiving a disability allowance, on top of my sickness benefit, as I had lost my business, then subsequently my health. I had no money. (536, Woman; Survey)

Unaffordable at the time as we had no money and, in fact debt. Affordable now as I have savings. (253, Woman; Survey)

It was far more difficult for me, as a basic income earner, than for my former partner who had a well paid job, but we would have had similar fees to pay. (517, Woman; Survey)

Unaffordability issues could mean that people were **unable to engage, or easily pay for, professional advice and support** with their property division.

I wasn't in a position to engage any professional help. (344, Woman; Survey)

It was a necessary cost, but unaffordable. (264, Woman; Survey)

It was manageable rather than affordable. My life is now financially difficult. (348, Woman; Survey)

It was my mortgage company that made the cost unaffordable as they refused additional support at that point. (306, Woman; Survey)

I was concerned a lawyer would be expensive. (615, Woman; Survey)

Comments About the Cost of Dividing Property

Survey respondents were given the opportunity to comment on the cost of dividing their property. They commented on: how they met their costs; the impact that actions by their former partner had on increasing their costs; the cost of lawyers; and their positive or negative perspectives on cost more generally.

How Costs Were Met

For some participants, the property division costs were met from the **sale of assets** like the family home, or by **dividing the balance** after costs were taken out.

It was paid for out of the money from the sale of assets. (246, Woman; Survey)

Payments came from house sale. (280, Woman; Survey)

We took all costs out before dividing up balance. (459, Woman; Survey)

Others related how one party sometimes **met their former partner's legal costs**.

I ended up paying for my ex-husband's lawyer in order to get the agreement across the line. (324, Woman; Survey)

I paid the legal costs to gift her the house. (430, Man; Survey)

I think my partner paid the lawyers. (477, Woman; Survey)

Meeting the cost of legal fees or living expenses was made easier when people could either **borrow money off parents, family and friends** or accept their **gifts of financial support and accommodation**.

I had to borrow money from my parents. If they had not been in a good financial position I have no idea what I would have done. (391, Woman; Survey)

I had no money at the time as my ex had cut me off. I had to borrow money from family and friends. (271, Woman; Survey)

I had to move in with my parents and borrow from them to cover the initial legal fees as I had sold my home and the money was in my lawyer's trust account for two years before the Family Court hearing. (277, Woman; Survey)

My parents and friends helped pay the legal fees. I was in a low paid role and not in a position to afford ongoing legal fees. (235, Woman; Survey)

I had nothing. No job, as I had recently retrained, and no cash, plus a student loan and Farmers card. \$10k-ish total. Without the help of family I would have been unable to pay my useless lawyer or keep the house. (453, Woman; Survey)

I was destitute with the care of our children, so had to accept financial help offered by my parents to pay living costs and legal costs. (410, Woman; Survey)

My parents stepped in and contributed financially in order to ensure he would be removed from my life. I don't know what would happen to someone in my situation with no family able to support them in this. (406, Woman; Survey)

Borrowing against a mortgage, extending a mortgage, getting a loan, or working past the usual age of retirement were other ways that people funded their legal fees and property division costs.

I had to borrow against the mortgage to pay legal fees to satisfy the bank to legalise a process we had agreed for years. (442, Woman; Survey)

I had to borrow money to pay legal fees. I got nothing from the separation. (198, Woman; Survey)

I was a solo mum working part-time up against a family with huge wealth. To ensure I could use a good lawyer it cost a lot during the process, which I didn't have. I had to get loans to cover solicitor fee instalments. (261, Woman; Survey)

Worked past retirement age to pay off debt. (332, Woman; Survey)

Some people, or their former partner, benefitted from the receipt of **Legal Aid**.

Thankfully, I was entitled to Legal Aid and they wrote off the amount due to hardship. (529, Woman; Survey)

I had Legal Aid which covered a significant portion of sorting through the property, so felt very very fortunate in that regard. Otherwise it would have cost a lot due to the lack of cooperation and stonewalling from my ex-partner. (341, Woman; Survey)

I had to use Legal Aid. That has taken three years to pay off, for no result, while my former partner incurred no legal fees. (596, Woman; Survey)

I had to have a lawyer willing to be paid through Legal Aid, which reduced the number of lawyers I could retain. Very difficult to find a Legal Aid divorce lawyer in NZ. I will still have to repay Legal Aid, but have an extension granted as I have had to retrain in a new job and will need to earn enough money to both pay off debts and survive financially over the next few years. (190, Woman; Survey)

Actions of a Former Partner

Dealing with a **former partner who was difficult** regarding the property division could lead to costs being incurred that might have otherwise been avoidable, for example, needing to have a lawyer involved.

Due to my ex wanting this to be a fight, I had to involve a lawyer which was the main expense. On top of lawyer fees already accumulated from having to do a parenting order. (451, Woman; Survey)

The costs are prohibitive if just one partner decides to make things difficult on purpose to ensure they are still making their former partner's life hard. (613, Woman; Survey)

For those without money, the process was extremely costly and drawn out. Had both parties followed the tenets of the legal framework over division of assets fairly, the process would not have been nearly so costly. In essence, it depends on the reasonableness or otherwise of the parties involved, I would say. (174, Man; Survey)

I used a lawyer because of bullying from my ex, but he only used a lawyer to draft the separation agreement for which I had to pay half. (273, Woman; Survey)

The longer it goes on, the more it costs. I felt very disadvantaged being the partner with property and the sole carer for two very young children. My husband relentlessly pursued me for money, even though I was on maternity leave, for instance. Apparently this sort of behaviour is fine, according to the law and our society. (220, Woman; Survey)

Unnecessarily expensive, but you can't help it when one party was trying to bankrupt the other. (603, Man; Survey)

A former partner could also **drive up a person's costs** through delays in responding, insisting on legal/court proceedings or valuations, drawing out the process, or refusing to pay their share of the costs.

Cost was made higher due to my lawyer having to chase replies from him. (417, Woman; Survey)

Had to spend more because it took a while for him to agree. (515, Woman; Survey)

I hired an excellent lawyer with an hourly rate. My ex's lawyer was far less competent and wasted a lot of my lawyer's time by needing guidance through the process, which I had to pay for. (233, Woman; Survey)

My ex-husband refused to engage with his lawyer, so my lawyer ended up doing all of the work and I bore the cost of the division by far. This was not taken into account in the property division, so it certainly cost me more. (406, Woman; Survey)

The costs escalated as my ex played games and delayed unnecessarily. The only way to move things on was to pay for agreements to be drawn up, get valuations done at my cost etc. (380, Woman; Survey)

The greatest cost came from my ex-partner filing an application in the Family Court which cost me thousands, was completely unnecessary and, in fact, he withdrew it the day before the court hearing. (211, Woman; Survey)

Former partner refused to share valuation costs etc. (606, Woman; Survey)

It hurt to pay for a professional valuation of our family home, but otherwise my ex would never have agreed to a fair amount. (186, Woman; Survey)

When we separated I thought it would be a sensible, straightforward process. If one person wants to ensure difficulty to the other, however, they can make it so. I was forced to take my ex to court to get settlement, and because he could get Legal Aid, I paid and he didn't have to. This meant that he was very happy to make it as expensive and drawn out for me as possible. (419, Woman; Survey)

Cost of Lawyers

The most frequently mentioned issue that participants raised in this section of the survey related to **the cost of lawyers**. Some considered that lawyers' involvement in property division matters was too expensive or that their cost was not worthwhile.

Ridiculous amounts of money paid by each of us to respective lawyers. Didn't know how else to do it. (595, Woman; Survey)

Legal fees are outrageous. (371, Woman; Survey)

Lawyers overcharged. You couldn't say a word without it getting a charge. (532, Woman; Survey)

My lawyer charged for every phone call I made and every email I sent and achieved nothing because, in the end, my ex decided when he would pay and what he would pay. It was an additional burden financially. (561, Woman; Survey)

The hourly rate is excessive for what they do - so much so that you feel you can't talk freely with them. (173, Woman; Survey)

Paid a lawyer \$9k to tell me, 'walk away, this guy isn't going to agree on anything and you can't afford the fight in court'. (544, Woman; Survey)

It seems lawyers just fill out template letters and then charge ridiculous fees. It was obvious his lawyer was stringing it out, but there was nothing I could do. Once lawyers are involved it all goes through them, you lose control. (213, Woman; Survey)

I was annoyed with the lawyers the way it was dragged out, plus being passed around three lawyers within the same company. That would of cost me more money. (327, Woman; Survey)

I lost confidence in my first lawyer and found another. The first lawyer seemed happy just to keep spending my money, with little traction. (516, Woman; Survey)

I was unfairly charged by two lawyers, so paid twice for the same service. (209, Woman; Survey)

While I didn't have money to spend, I actually expected it would cost me much more than it did. My lawyer would not give me any kind of indication on how the cost was worked out, which left me feeling very anxious throughout the process wondering if it would cost me \$20-30,000 or more, I had no idea. I felt she hurried the process and didn't fight on my behalf. (237, Woman; Survey)

A few people commented more generally that **lawyers' act in their own self-interest** by "lining their pockets" or being a "rip-off".

Cost could have been minimised if lawyers had done their jobs instead of leading their clients on a goose chase to fleece us. (287, Man; Survey)

I may be wrong, but I felt the lawyers stretched out the whole process, making themselves a comfortable monthly earning - \$500 dollars a month for emails between lawyers, with little emotional support forthcoming, made for a stressful and altogether unpleasant journey. (185, Woman; Survey)

The lawyers cause as much conflict as they can, to take as much as they can. (412, Woman; Survey)

The lawyers are laughing all the way to the bank! (188, Woman; Survey)

Lawyers are crooks. (522, Woman; Survey)

My lawyer deliberately withheld information from me and did not allow me to make an informed decision about the best way forward. She steered me towards a process that saw her pockets lined, with very little for me and my children, and caused us to lose tens of thousands of dollars in child support because she told me child support would be 'worked out' with everything else. Instead, she should have told me to apply the day I stopped receiving any income when my husband stole our company. (408, Woman; Survey)

Far too high for what was done. Put me off ever using lawyers in the future unless necessary - arrogant and don't think anyone else can think for themselves. Far too much legal jargon they keep in place so they can charge for 'translation'. (572, Woman; Survey)

Some participants thought that legal costs were expensive given they themselves "did all the work".

We did all the work and the lawyers charged us to safeguard themselves. Biggest rip off ever. (222, Woman; Survey)

His big-city lawyer was extremely expensive - over \$3,000 - given that I did most of the work. (403, Woman; Survey)

Others found the legal costs prohibitive, which led to them accepting a property settlement they were unhappy with because they **could not afford to carry on**.

At the end of the day I just had to decide to close it. To force a fair settlement would have required court action and more costs, time etc. (573, Woman; Survey)

It's quite common for the partner who has held control over the assets during the relationship to be at an advantage during the process. I ran out of money, whilst my ex had significant resources available to him and I settled for a resolution that I would not have otherwise accepted. (228, Woman; Survey)

I spent an initial \$8K, then another two amounts similar to this, trying to put right what went wrong. But it was too late by this stage and the legal costs were prohibitive to try to reach a better outcome. (165, Woman; Survey)

It cost me more money in lawyer's fees and court fees to obtain a court order to get half my superannuation for my ex-husband, than I received in the settlement. I ended up just having to give in and paying all the costs and giving over half of the settlement to finalise it - so I could get it finalised, as I just couldn't see an end to it or the ever increasing lawyer's bills. I was advised by my lawyer it would cost me at least \$10,000

more if it went to court and I would have had to borrow all of that. (439, Woman; Survey)

However, people did appreciate it when **lawyers reduced their fees, waited until the property settlement was finalised before being paid or acted on a pro bono basis.**

My lawyer kindly waited until settlement and took a reduced amount from the total. Very kind, but I'm still negatively impacted by the disparity. (385, Woman; Survey)

Lawyers put my bill 'on the tab' to come out of the final settlement. (189, Woman; Survey)

It was affordable because they agreed not to be paid until my ex paid me. The system shouldn't have to work this way. (315, Woman; Survey)

Lawyer was changed and done pro bono with new lawyer to complete the separation. (537, Woman; Survey)

Legal fees could be reduced or non-existent when **people had a friend who was a lawyer, or they worked in a legal firm, or were a lawyer themselves.**

I am a lawyer, so did not have to pay legal fees. (368, Woman; Survey)

Work in a law firm, so a workmate did my legal work. (294, Woman; Survey)

One of my lawyers was a friend, so this kept my fees down. (443, Woman; Survey)

I was working and one of the lawyers was a friend, so I was able to pay part of the legal costs over time. It would be very difficult for some in less able circumstances to afford. (566, Woman; Survey)

Perspectives on Cost

Some people were **accepting of the costs they incurred** as they considered these to be affordable, reasonable, fair, necessary, or at a reduced level because they and their former partner were in agreement, did much of the work themselves or limited the involvement of their lawyers.

I believe my experience was fast and therefore low cost. Further time would have raised the cost considerably. (297, Man; Survey)

I expected that there would be cost. The costs were very low because we were in agreement. (632, Woman; Survey)

It had to be done, so the cost was almost irrelevant. (513, Woman; Survey)

I struck a small complication regarding the purchase of my home creating an extra legal fee for myself. Otherwise this was, in financial terms, quite painless, and within the budget of the day. (470, Man; Survey)

It was a cost I wish I didn't have to pay. However, based on what I know of other relationships, I felt fairly charged. (175, Woman; Survey)

It wasn't an unreasonable amount because it was just the lawyer fees of making the sale of the property (we split the money 50/50). It could have been much more expensive. (232, Woman; Survey)

Just pay lawyers to give you advice and handle the legal stuff. It is way cheaper than fighting and ending up in court. It cost us about \$4k each and I have friends who turned it into a big battle and it cost them close to \$50k each. (465, Woman; Survey)

It's a matter of perspective. We had nearly \$10 million in assets and high paying self-employment, so could afford to go as far as we wanted if we really felt like it. Common sense prevailed. Mostly!!! (219, Man; Survey)

Lawyers' time is expensive, but we managed to make most of the agreement ourselves and used lawyers to formalise things. (433, Man; Survey)

There was no real dispute about the property, so I feel lucky that the amount spent on lawyers was relatively low. (448, Woman; Survey)

The legal fees spent getting to mediation and protecting me were frustrating, but necessary at the time. (540, Woman; Survey)

Other people expressed **negative perspectives about the cost more generally**. As will be shown later (see Table 40), half of the participants reported finding the cost of dividing their property challenging or difficult.

I was robbed by lawyers, psychologists, real estate agents, builders, etc. (409, Woman; Survey)

Lawyers and real estate agent fees for selling the family home were excessive in my opinion. (351, Woman; Survey)

Ridiculous. Should have been a form we fill in ourselves which got stamped by the court. Consent offer. \$300 max is warranted. (339, Woman; Survey)

The process was expensive, especially when arguing the process had no effect except to cost me. (359, Woman; Survey)

Family violence survivors considered they needed greater consideration in the property division process or should benefit from cheaper costs and state assistance.

I believe that if property division results from a relationship breaking down due to abuse, more interaction and consideration needs to be made toward the 'victims'. We were expected to be 'adults' and work it all out in the first instance. But when one is operating from a place of fear and stress, one doesn't have the emotional strength to face their abuser. In cases of abuse, I believe fighting relationship property division should be cheaper. (385, Woman; Survey)

Given I am the victim of the most horrendous crimes I believe the state should be paying to make sure I get justice and a safe and protected life. Instead, the state further crippled me by ordering I have to pay my abuser's court costs as well as give him half of everything - but he doesn't have to pay half of anything. It's all too ridiculous! (398, Woman; Survey)

I was the victim throughout the ordeal. I had to pay for being abused. My abuser received Legal Aid as he had no income as he refused to work. (530, Woman; Survey)

Contracting Out or ‘Prenuptial’ Agreements

Opting out of the PRA so its equal sharing rules do not apply is possible. Spouses, civil union partners or de facto partners, or those contemplating entering into such relationships, can, for the purpose of contracting out of the provisions of the PRA, make any agreement they think fit with respect to the status, ownership, and division of their property (including future property).¹⁸ To safeguard partners from bad or oppressive bargains, a contracting out agreement (commonly called a ‘prenup’ or ‘prenuptial agreement’) is void unless several requirements are met:

- the agreement must be in writing;
- each party must have independent legal advice before signing the agreement;
- the signature of each party to the agreement must be witnessed by a lawyer; and
- the lawyer who witnesses the signature must certify that, before the party signed the agreement, the lawyer explained to that party the effect and implications of the agreement.¹⁹

These provisions attempt to strike a balance between promoting partners’ autonomy by granting them freedom to choose the property consequences of their separation, whilst also ensuring a just division of property between partners who may be of unequal bargaining positions. This helps to prevent a person from signing away their rights without appreciating the implications of the agreement and their statutory entitlements.

The Making of Agreements

Having a prenuptial, or contracting out, agreement certified by a lawyer was not common amongst the participants, with only 10% indicating that they and their former partner had made an agreement that had been certified by a lawyer (see Table 35). A similar proportion (9%) reported that they and their former partner had discussed the matter, but had not made an agreement. Seven per cent ($n=26$) had made a verbal agreement, and 1% ($n=4$) had a written agreement, but had not involved a lawyer. A small number ($n=4$) sought legal advice for their agreement, but did not have this certified by a lawyer. It was far more common for the participants to have no agreement at all, with 71% reporting that they and their former partner, while they were together, had not discussed what would happen in the event they separated and had not made any agreement.

¹⁸ Property (Relationships) Act 1976, s 21.

¹⁹ Property (Relationships) Act 1976, s 21F.

Table 35: At any stage during your relationship, did you and your former partner make an agreement about how you would divide your relationship property or debts if you separated?

	<i>n</i>	%
No	269	71.2%
We discussed it, but didn't make an agreement	35	9.3%
We made a verbal agreement without involving a lawyer	26	6.9%
We made a written agreement without involving a lawyer	4	1.1%
We made an agreement with legal advice, but it was not certified by a lawyer	4	1.1%
We made an agreement which was certified by a lawyer	38	10.1%
Don't know/not sure/can't remember	2	0.5%
Total	378	100%

Of the 19% ($n=72$) who had had some form of verbal or written agreement (either certified by a lawyer or not), just over half (53%) had agreements that had been certified by a lawyer and just over a third (36%) had verbal agreements only.

Adherence to the Agreements Made

Nearly half (47%) of those with some form of agreement reported that it was followed when they divided their property (see Figure 14), with another 18% reporting the agreement was partially followed. For the remaining 35%, the agreement they had made with their former partner was not followed when they divided their property.

Figure 14: Was this agreement followed when you divided your property?

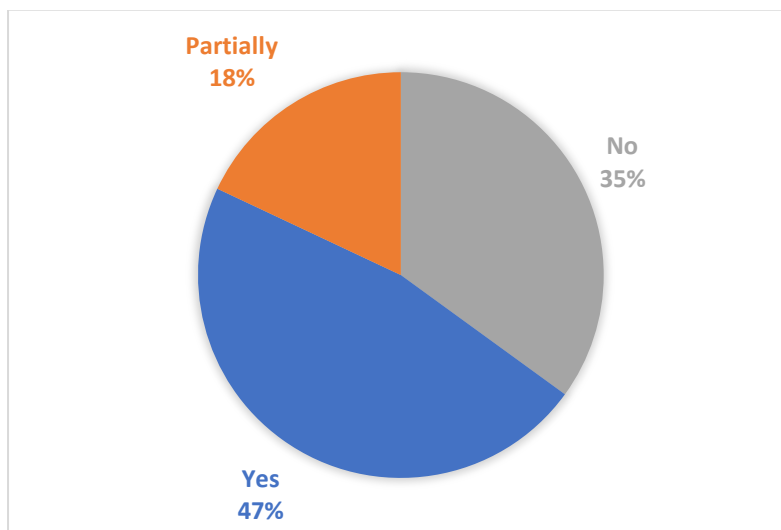


Table 36 presents an analysis of whether the agreement was followed or not as a function of the type of agreement. The small numbers ($n=4$) of participants who had agreements that were written without involving a lawyer or had involved seeking legal advice only, without certification, make percentage comparisons difficult. However, as shown in Table 36, most

(84%) of the agreements that were certified by a lawyer were either fully or partially followed in the property settlement compared with only 39% of verbal agreements without involving a lawyer. So, while 62% of verbal agreements were not followed, 63% of those certified by a lawyer were fully followed.

Table 36: Type of agreement by whether it was followed in the property division

Agreement type	No	Partially	Yes	Total
Verbal agreement without involving a lawyer (n=26)	61.5%	15.4%	23.1%	100%
Written agreement without involving a lawyer (n=4)	25.0%	25.0%	50.0%	100%
Agreement with legal advice, not certified by a lawyer (n=4)	50.0%	-	50.0%	100%
Agreement certified by a lawyer (n=38)	15.8%	21.1%	63.2%	100%

The most common reason given for why agreements that had *not* been certified by a lawyer were not followed, or only partially followed, was that **one party reneged on the agreement and/or denied that such an agreement existed.**

My ex initially said I should keep the house due to the children, but became bitter and spiteful after the separation and tried to convince me to agree to sell the house instead. Due to this, the division took a lot longer than it should have, but he eventually backed down, so I did keep the house but had to pay him out. (451, Woman; Survey)

Said he would be responsible for business loan then reneged on it. (444, Woman; Survey)

My ex decided not to follow them because he wanted to take my home from me. (515, Woman; Survey)

The applicant always said that he acknowledged that I owned the property and if the relationship broke down he would not want any of the property. I stupidly believed him. (530, Woman; Survey)

At first it worked, but then my partner reneged on the agreement. (262, Man; Survey)

My ex-partner had never been committed to the relationship and always said that he would be leaving any time, and that I could have my house back. However, he then changed his mind and wanted money from me. ... My partner disregarded the verbal agreement we had. (431, Woman; Survey)

My partner denied ever making the agreement. (318; Woman; Survey)

Ex-partner refused to follow the agreement as previously discussed. (406, Woman; Survey)

My husband did not honour his word and lied about everything. (378, Woman; Survey)

Some participants reported that it was **after receiving legal advice or finding out about the law** that their former partner disregarded the agreement.

My ex-partner decided to follow legal advice which said our verbal agreement didn't stand. (400, Man; Survey)

Former partner's lawyer advised not to accept verbal agreements. (467, Man; Survey)

My ex-partner wanted cash he had previously stated he would not ask for as he was aware I was the majority wage earner and contributor to the relationship. When we moved to NZ we knew the law was different, but he refused to negotiate a prenuptial agreement. (306, Woman; Survey)

We agreed to keep all our joint finances 50/50 and keep our pre-relationship assets separate, then she went to her lawyer to get what she could. (173, Woman; Survey)

My ex-partner ambushed me by stopping the sale of my house unless I agreed to discuss, through lawyers, the property division. (209, Woman; Survey)

Partner reneged on arrangement once he realised how much he could take. (604, Woman; Survey)

Others noted that they, themselves, **had not sought compliance with the agreement in order to reach a settlement.**

It was easier to ignore pieces of it for the sake of settlement. (195, Woman; Survey)

I had no proof and he denied it. We'd agreed that I would get the gift from my parents back, but he lied and said that didn't happen. It was so stressful at the time my parents said not to worry or try to fight it through the lawyers. The process of back and forth through the lawyers was so drawn out (on his side) and costly, so we cut our losses. (142, Woman; Survey)

The most common reason for contracting out agreements certified by a lawyer being only partially followed, or not all, was due to the **robustness of the agreement and/or lawyers arguing that they were not valid.**

There was a technicality in the prenup that saw it overturned. Her witness wasn't a lawyer! I was advised a court would rule it was invalid, so through that mistake she received half. (230, Man; Survey)

My ex-partner's lawyer found a loophole and tried to argue the agreement. (295, Woman; Survey)

The agreement was not particularly robust legally. My ex and I also felt that it was out-of-date. It was written when we first bought our house before children as I had a lot more money for the house deposit (\$70k as opposed to \$6k). However, I felt that his time supporting the family while I was at home made up for some of this. (268, Woman; Survey)

Her lawyer argued it was too old and unenforceable, whereas mine said that was rubbish. (219, Man; Survey)

There was an agreed split %, however, the rate as agreed was not entered into the agreement. (298, Woman; Survey)

There was a conflict resolution clause never followed by my husband. My husband decided he was the sole arbiter of the agreement he wrote. The Court of Appeal finally decided he was not. (112, Woman; Survey)

Helpfulness of the Agreements

The survey asked those participants who had some form of ‘prenuptial agreement’ how helpful it was (see Table 37). While, overall, the highest proportion of participants (42%) found having an agreement ‘helpful’ or ‘very helpful’, over a third (37%) found them ‘unhelpful’ or ‘very unhelpful’.

Table 37: How helpful was it having a ‘prenuptial’ agreement?

	<i>n</i>	%
Very unhelpful	15	24.2%
Unhelpful	8	12.9%
Neither helpful nor unhelpful	13	21.0%
Helpful	8	12.9%
Very helpful	18	29.0%
Total	62	100%

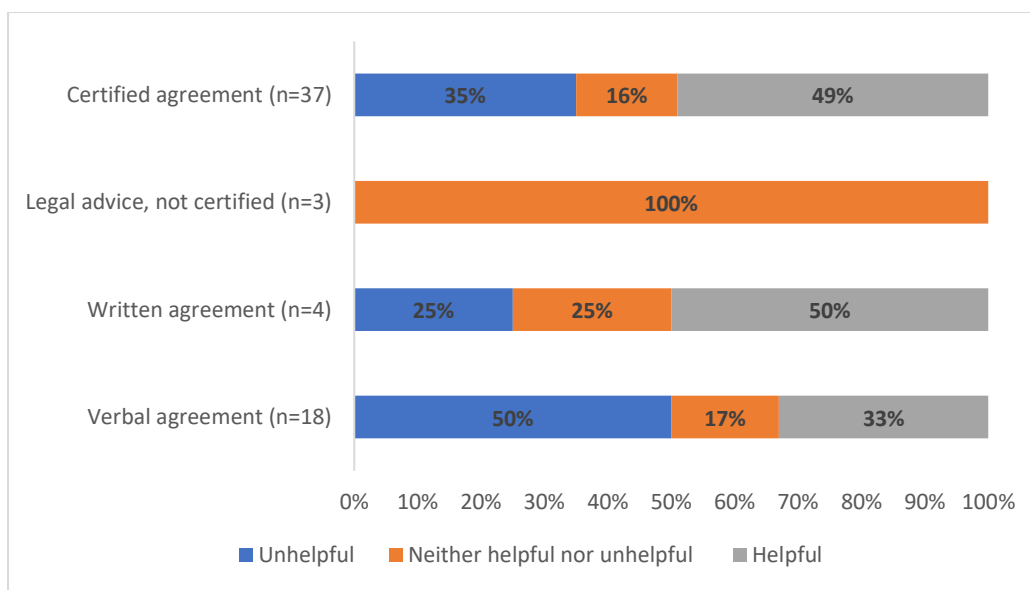
N.B. 10 participants skipped the question, hence $n=62$.

The following tables present an analysis of ratings of helpfulness as a factor of i) the type of agreement made (Table 38 and Figure 15), and ii) whether the agreement was followed in the property division (Table 39). Nett proportions are used where ratings of ‘unhelpful’ and ‘very unhelpful’ have been collapsed into one ‘unhelpful’ category and similarly for ratings of ‘helpful’ and ‘very helpful’.

Table 38: Ratings of helpfulness by type of agreement

Agreement type	Unhelpful	Neither helpful nor unhelpful	Helpful	Total
Verbal agreement without involving a lawyer (n=18)	50.0%	16.7%	33.3%	100%
Written agreement without involving a lawyer (n=4)	25.0%	25.0%	50.0%	100%
Agreement with legal advice, not certified by a lawyer (n=3)	-	100%	-	100%
Agreement certified by a lawyer (n=37)	35.1%	16.2%	48.7%	100%

Figure 15: Ratings of helpfulness by type of agreement



As Table 38 and Figure 15 show, around half of those who had a written agreement or one certified by a lawyer found it helpful, compared to a third who had a verbal agreement. In contrast, 50% of those with a verbal agreement found it unhelpful.

Table 39: Ratings of helpfulness by whether agreement was followed in the property division

Agreement followed in property division	Unhelpful (n=23)	Neither helpful nor unhelpful (n=13)	Helpful (n=26)
No	65.2%	23.1%	-
Partially	4.3%	46.2%	19.2%
Yes	30.4%	30.7%	80.8%
Total	100%	100%	100%

As shown in Table 39, most (81%) of those who found having an agreement helpful were those whose agreements were followed in the property division, whereas nearly two-thirds

of those who found their agreements unhelpful were those whose agreements were not followed. However, almost a third (30%) of those who rated their agreements as unhelpful were those participants whose agreements were followed.

Participants were asked to detail the reasons for their ratings of how helpful or unhelpful they found having a prenuptial or contracting out agreement.

Those survey respondents who had a valid agreement²⁰ in place rated this as 'very helpful' or 'helpful' because it **provided greater certainty, reduced stress, was clear evidence of their intentions on separation, and enabled their property to be divided more quickly.**

It removed all doubt. (242, Man; Survey)

It made it clearer with less room for argument. (316, Woman; Survey)

It was a fallback. (195, Woman; Survey)

Helped damage control. (229, Woman; Survey)

It removed the pressure of deciding who got what during an emotional time. (611, Woman; Survey)

Made it much easier to agree who owned what and the financial implications, and what assets during the relationship needed to be divided. ... My ex and I were of a like mind to be agreeable and negotiate a fair settlement without costly lawyers or any court processes, so the contracting out agreement was crucial to that. Any debates were mostly with the respective legal advisers who were focused fastidiously on the contracting out agreement terms, valuations and calculations. My ex and I were happy with 'near enough is good enough' and keen to avoid costly legal bills. (364, Man; Survey)

Excellent idea. Despite the agreement she kept trying to prove I was cheating her, but the agreement was clear. ... I would always advise people to agree a prenup. (181, Man; Survey)

A contracting out agreement is good to do - it saves stress as things are already agreed beforehand. (353, Woman; Survey)

The prenup provided excellent evidence of unequal sharing in my favour when my former partner was denying we had agreed. (606, Woman; Survey)

Pre-negotiated terms were adhered to. ... Prenup is king. The laws are just disgustingly unfair. It's better to get your own agreement done. (474, Man; Survey)

²⁰ Parties contemplating a contracting out, or 'prenuptial', agreement need to obtain independent legal advice and have their agreement certified by a lawyer in order for it to be enforceable.

Once we started the separation process, it meant that other than having our lawyers ensure we had covered all the bases appropriately and the values were fair and reasonable, it enabled us to come to a mutually agreed split rather quickly. (416, Woman; Survey)

Our prenup ensured that when our relationship soured neither of us was financially disadvantaged. (186, Woman; Survey)

The property division was also thought to **better reflect the financial contributions made by each party** when a contracting out agreement was in place.

The agreement was crucial in meaning that, as things became negative, there was at least a fallback so she couldn't take any of the company sale money. It was annoying spending the money at the time of getting the agreement, but in hindsight it probably saved me hundreds of thousands of \$. ... It made clear that I had sole ownership of the company I had co-founded (with someone who was not my former partner). ... Was incredibly useful - glad I invested the time and money. ... I was lucky in that I was fully aware of the three-year rule and our relationship began with us moving in together, so was reasonably clear cut. When our relationship got over the two-year mark I initiated some conversations about it, put forward my position that my company ownership should be 'contracted out' and, at the time, she agreed. ... I would always have the conversation with future partners and ask that they sign a [contracting out agreement]. If they refused, I would explore options such as a family trust. (296, Man; Survey)

The agreement saved me financially, otherwise I would have had to pay off the debts he arrived with. I paid most of the mortgage and I would have left with not enough to buy a house. ... I'm glad we made one when we got together. I would do it again. (226, Woman; Survey)

My former partner contributed [a small percentage] to the family home purchase. It was great to have that acknowledged in writing. The prenup also covered the trust contents and my inheritance, so they didn't come up for discussion. Also, the prenup covered my car as it was purchased from my inheritance. ... Highly recommend them! He could've claimed a lot more than he did if we didn't have one. (313, Woman; Survey)

If we didn't have one, I would have had to sell the family home because I would have had to pay him out another \$200,000 on top of his settlement. (465, Woman; Survey)

The prenuptial arrangement enabled a fair division of assets as I had contributed all the funds to buy our house. (174, Man; Survey)

Other respondents, who valued their agreement, nevertheless thought there could be **problems** with it – including the agreement not being sufficiently robust or clear, providing enough protection, or failing to reflect the birth of children or the lengthy duration of a relationship.

It clarified some things, but did not have enough protection for me and the children built in. (220, Woman; Survey)

It was a starting point, but as it was not robust it was not actually that helpful. (268, Woman; Survey)

The agreement should have been clear. However, missed wording left it open to varying the value. (298, Woman; Survey)

The family home was subject to a [prenuptial] agreement due to us bringing unequal shares into the relationship. The agreement had a sliding scale built into it according to the length of time in the relationship, but it did not take into account what having children might mean. We did not review the agreement after having children. ... The prenuptial agreement did not take into account that we had children and that therefore our need to provide, and our ability to provide, had changed radically since we first entered into the agreement. (341, Woman; Survey)

We made it over 20 years ago, so in today's money was a small amount. But, after 20+ years together, I thought it should be void. (539, Woman; Survey)

I, somewhat stupidly, signed a property sharing agreement at the beginning of our relationship, that still stood when we got married, AND when we had a child together. ... In hindsight, I should have made the agreement null and void once we got married and had a child together i.e., that we would then revert to the usual laws once we were married, even if we had put that we had to have been married for a certain number of years. But this was not suggested to me at the time and when you're 'in love' you don't think about it not all working out and what that would mean for you in a financial sense. (335, Woman; Survey)

Wasn't specific enough. (521, Man; Survey)

Others complained they were **forced into making an agreement by their former partner**, which they resented.

The prenup was dictated by my husband. It was sign, or else. It nearly broke us apart. For the whole of our marriage, the prenup entitled my husband to believe that we were not in a marriage relationship. His whole attitude to the finances was not joint or a team and, when the marriage ended, he thought he was the only one to decide. (117, Woman; Survey)

Having a prenuptial was very unhelpful for me. I was forced to sign it. I was in a very abusive relationship, so I signed it to have the peace. I think the law has to make an exception when it's found that some prenuptial agreements are so bad, no advantage at all, nothing good for the other partner. ... I was obliged to sign - I renounced on my rights by signing the prenuptial. Maybe some prenuptials are good, but mine was awful and very abusive. I don't find any good in it apart from I got my peace and stopped my ex-husband's harassment. ... A prenuptial agreement is good when it's fair, but when you are forced, like I was, I find it personally very bad and useless. The law

should take into account the disparities between the couple and divide the property without saying that one party has a separate property, and without taking into account when they were living together and were spending money from the ex-husband's personal and separate funds. The law has to stop dishonest people from playing a game with vulnerable partners. The law makers have to forbid rich people to live with their ex-partner they physically and mentally abused, forbid them to let down their ex-partner without any money to live, like me, just because they did sign a prenuptial agreement taking away their rights because they were threatened by their abuser's ex-partners. (409, Woman; Survey)

People with either written or verbal agreements noted that these **agreements could sometimes be turned over, not honoured, or make no difference in the end.**

It wasn't worth the paper it was written on. (295, Woman; Survey)

It was only verbal and he denied ever making the agreement. (318, Woman; Survey)

No come back for a verbal agreement. (431, Woman; Survey)

Had the actual agreed rate been entered into the agreement, it would have meant there was nothing to disagree on. (298, Woman; Survey)

It made no difference in the end. (194, Woman; Survey)

What a horrible way to start a new relationship by having to sign a prenup or contracting out form which, in my case, was worthless anyway? ... It was a disaster. Basically, even though they are signed without duress and witnessed by a professional, it could still be turned over. (230, Man; Survey)

A poorly executed agreement which was overridden. (371, Woman; Survey)

It was not honoured, so not useful. (378, Woman; Survey)

It didn't count for anything. (530, Woman; Survey)

I should have got a real agreement from a lawyer, instead of trusting my ex's word. ... It's really important to get a property relationship agreement if you don't want to split all assets 50/50. (515, Woman; Survey)

I have a prenup with my current partner (at her insistence), but have been informed [by my lawyer] that it legally has no basis after about four years anyway. (357, Man; Survey)

Won't ever do another - lawyers can twist them to suit whoever pays them the most. (194, Woman; Survey)

General Comments about ‘Prenuptial’ Agreements

All survey respondents were invited to contribute any comments they had about ‘prenuptial’ agreements. Some had experience of such an agreement, while others were commenting more generally.

Several said they had **no need for a contracting out agreement**, or that it was **not common in the era in which they had married**, or their **circumstances had changed so the proposed agreement had not eventuated**.

We had nothing, no prenup needed. (254, Woman; Survey)

We went into the relationship with similar assets, which was discussed. Felt prenup not required. (325, Man; Survey)

We were together since age 15, so didn’t need it. (164, Woman; Survey)

I felt it was wrong to ask for a prenup, but if this happened again, I would. (628, Man; Survey)

We both entered the relationship with a low value of assets. We both contributed to the growth of our asset base. (236, Woman; Survey)

We had discussed it and had seen a lawyer, but never formalised it. (224, Man; Survey)

He wanted one because he was inheriting something from his [relative]. I don’t know what. We never got married, so it never happened. (199, Woman; Survey)

It was discussed and decided that it wasn’t needed, especially after having kids. (540, Woman; Survey)

It was not common when we married. Never thought it would apply to us. (615, Woman; Survey)

They weren’t common knowledge back then. (286, Woman; Survey)

We were married in the 1970s. I personally had not heard of such agreements. As my spouse never mentioned such an agreement, I suspect they didn’t either. (470, Man; Survey)

Never, ever, did I think it would be needed or appropriate. I trusted these people to do the right thing and got sucked in. (466, Man; Survey)

We talked about it. Ex-husband claimed he would look after me if we ever separated. This didn’t happen. (482, Woman; Survey)

Others were concerned that there was **little point having a contracting out agreement** because it could be easily overturned or might not be enforceable after a period of time.

I have heard they are easy to overturn. (220, Woman; Survey)

Not worth anything! (231, Man; Survey)

As far as I'm aware they don't really have much validity, so why bother? (167, Man; Survey)

Can be contested. (594, Woman; Survey)

Essential for all relationships, but disregarded when the stakes are high. (371, Woman; Survey)

So easily broken by the court - little point in doing them. (193, Man; Survey)

Some respondents had wanted a contracting out agreement, but their **former partner was not keen or had refused**.

I wished my lawyer had drawn up the prenup prior to us signing up for the house. ... It would have been very helpful if she had signed it, but we had moved into the house and she refused to sign it on the grounds that 'if I loved her I should trust her'!! (173, Woman; Survey)

We should have written it down through lawyers, but he refused and became violent when I tried. (417, Woman; Survey)

I purchased 50% of the property mortgage-free at the onset of the relationship; my partner took out a mortgage for his share. I did bring up a prenup type arrangement at the time, but he went ballistic so the discussion was dropped. (525, Woman; Survey)

We briefly discussed an agreement, but it was met with significant resistance from my partner so we didn't discuss it further. (232, Woman; Survey)

My ex said he would not marry me if I insisted on a prenup agreement. (273, Woman; Survey)

I had a prenup written up, however, my former partner was a very manipulative person and, at the time, I was emotionally weak and agreed not to on his word. (185, Woman; Survey)

In hindsight, some people **wished they had had a contracting out agreement and/or greater knowledge about the financial consequences of relationships**.

In hindsight a prenup would have been wise. (235, Woman; Survey)

I bloody should have! (399, Woman; Survey)

Didn't think I needed to address the issue. Hello! (332, Woman; Survey)

I wish to God I had formalised it. Trust was stupid. I was advised to protect myself legally, but didn't. (378, Woman; Survey)

Wish I had ring-fenced. (402, Woman; Survey)

I will forever regret the decision not to have a prenup. I was too scared to raise the issue and thought my marriage would be permanent given I got married at 40. (595, Woman; Survey)

I was too naive at the start of the relationship to think about this. Definitely should have done it regarding family inheritance. (239, Woman; Survey)

I regret not protecting my home for my children. I lost equity from the relationship and have struggled financially since. I was too trusting. (210, Woman; Survey)

I didn't understand that an inheritance loaned to a business in my name, and documented as such, still needed a contracting out agreement. At the time of the relationship's start, both just starting work/careers. Got married. I ... always expected I'd earn more and he'd look after the kids. But I inherited significant money and didn't know that was going to happen. This was sort of in a trust, sort of loaned by me, but not tight enough to ensure it was mine. (265, Woman; Survey)

Would be a good idea if you have even small items that are precious to you. Since my heirlooms were on display in the house, they were considered 'household goods', so were subject to division. (155, Woman; Survey)

Some people had made a point of **having a contracting out agreement with subsequent partners.**

I would not have started living with my former partner without such an agreement. (632, Woman; Survey)

This is a very good idea. I have entered into a prenuptial agreement with my current partner, given my past experience. I have suggested this and supported others to do the same. We all agree this was a difficult conversation, especially when women have more assets than men when entering into a relationship, but it saves the relationship issues in many ways. I feel much more secure in my relationship with this in place given my past experience. (179, Woman; Survey)

I am in a new relationship and have a property agreement contract in place now. My new partner had no real estate and only very limited assets when coming into the relationship. (525, Woman; Survey)

I have remarried. My husband and I both brought assets to the relationship and we both have adult children. We sought advice and have a robust [contracting out agreement] protecting ourselves and our respective families. (513, Woman; Survey)

About to have a new partner move in with me in several months. Seeing a lawyer tomorrow for a contracting out agreement as I am not about to lose half of what I worked so hard to build after separating from my husband. (187, Woman; Survey)

Following my separation, one of the first things I did with my new partner was complete a contracting out agreement. (255, Man; Survey)

Extremely good idea to have those conversations early in the relationship so everyone knows where they stand. I have a (better) one with my new partner! (268, Woman; Survey)

Naive, trusting, loyal - never thought I would ever get divorced, so this never crossed my mind. I am without a shadow of a doubt sure about my partner now, but have still entered into one to cover ourselves. (253, Woman; Survey)

Others would now only contemplate entering a new relationship with a contracting out agreement place.

An upfront prenuptial, even if I never actually marry anyone again, would be important as I know that living with someone (or being in a relationship) for three years or more means they'd be entitled to half. Not an easy conversation for people to have, but an important one. (416, Woman; Survey)

After my separation they are now non-negotiable. (483, Man; Survey)

Would never proceed to live with someone without a prenup. Worth every penny paid for legal advice. (186, Woman; Survey)

I do not see the point when a couple is starting out and both enter the relationship in the same position. However now, going forward, I would have one to protect my assets for my children/grandchildren. (175, Woman; Survey)

Will do next time. Essential. (603, Man; Survey)

Would be a heck of a lot more careful at what I signed if I was looking at a long-term relationship again. (335, Woman; Survey)

Now I would need one as I have more assets than the last time! (171, Woman; Survey)

So important. I will never go into a relationship without one now. You have to protect yourself. (465, Woman; Survey)

People also **urged others** to consider getting a prenuptial or contracting out agreement.

I would recommend all couples get one. (174, Man; Survey)

Get a prenup now! (361, Man; Survey)

I think they are very important to have especially when one person has more assets than the other. (515, Woman; Survey)

Should be compulsory!!!! (219, Man; Survey)

I would advise every person to get an agreement drawn up, but unfortunately there is a cost to this. (209, Woman; Survey)

Ensure that it's clearly written to protect your pre-existing assets. (229, Woman; Survey)

I would say it could be hard for any couple starting out to make such an agreement as you don't enter thinking you'll separate. I didn't. But pre-planning is really wonderful. Knowing what a split would involve helps for knowing the boundaries and also what each part would legally be entitled to - no surprises. (416, Woman; Survey)

They are good if you are going into a relationship with separate assets that you don't want to lose should the relationship break down. (446, Woman; Survey)

Raising the need for a contracting out agreement could, however, be **awkward or difficult and imply a lack of trust** in the relationship.

These are difficult. Their existence suggests you are considering that the relationship might fail. This is a reasonable position to take, but could imply a lack of confidence. On the whole, I think they are well worth considering if you have assets of some significance (both kind and amount). (433, Man; Survey)

They can make it very awkward and make one partner feel like the other doesn't trust them. (208, Woman; Survey)

Probably not the most romantic, or a display of trust. (480, Man, Survey)

Every situation is different. Lawyers need to be VERY CLEAR when advising clients doing the likes of prenuptial or property sharing agreements, bearing in mind they're literally very much in love at the time of making them and can't imagine them separating and needing to put the prenup into action. I think, while trying not to be negative, they need a very real reality check that it CAN happen and to put yourself in the position of 'if it did what, would your needs/wants be?' (335, Woman; Survey)

I'm such a romantic cry-baby. I said I'd consider a prenup, but I probably wouldn't raise that with my new partner. I have a history of falling in love forever until death us do part. Life ain't like that though, is it? (367, Man; Survey)

Concerns were raised about contracting out agreements included confusion, unfairness, the quality of the legal advice, and their applicability in de facto relationships.

I still think prenuptials are confusing. Relationship property seems quite debatable. It is easy once a child is involved for things to become confused. A woman stays at home

(often) and does not earn money, but 'works' by looking after a child. A man 'contributes' if he is working etc. But within that dynamic can be agendas and financial abuse etc. (478, Woman; Survey)

Ex-partner's lawyer had me sign an agreement that ex-partner's trust would loan us money to buy a home that would exclude it from the relationship property settlement without telling me to get independent legal advice. (554, Woman; Survey)

In some circumstances, where there is a power imbalance and financial disparity, a prenup can be created in circumstances of duress and unfair bargaining. It is not possible to assess the contributions to a relationship of 15 years duration at 1-2 years. The object of a prenup is to close off from equal sharing. Prenups undermine the statutory principles. (387, Woman; Survey)

It's so dependent on the lawyers involved. (295, Woman; Survey)

Not necessarily a useful mechanism for people in de facto relationships, who are usually not aware of exactly when they're entering a into legally binding relationship. (551, Gender diverse person; Survey)

The **cost of obtaining or updating a contracting out agreement** was also considered an issue by some survey respondents.

The requirement for independent legal advice was expensive and divisive. (339, Woman; Survey)

We weren't able to afford legal services for a prenup. (205, Man; Survey)

I do think that they have their uses. We were strongly advised to review and update our agreement, but did not do so because of the cost. Circumstances change very significantly when children are involved, and you can be locked into an agreement that takes into account a pre-children financial situation, but does not take into account what has happened during the relationship, and how in-kind contributions disadvantage one party disproportionately. (341, Woman; Survey)

The cost was excessive: we were quoted \$3000 per individual. (306, Woman; Survey)

Suggestions for the future included revisiting and updating the agreement regularly; having an automatic opt-in rather than an opt-out system; and introducing a simpler means of entering into a contracting out agreement.

It was good to a point, but should have been revisited and updated like a will or any other agreement. (219, Man; Survey)

It is a disgrace that one is required. People should opt in [to equal sharing]... not have to opt out. (227, Woman; Survey)

They should be 'automatic' i.e., people should be required to opt out of them. (530, Woman; Survey)

The lawyers made it horrible. NZ law needs to allow for simple agreements to be legally binding without a lawyer being involved. (339, Woman; Survey)

Needs to be simple. (586, Man; Survey)

Impact of Family Violence

Of those survey participants who elected to answer questions about family violence ($n=351$),²¹ 60% ($n=212$) reported that there had been family violence in their relationship with their former partner, either during the relationship or following their separation.²² This included 190 women, 21 men and one person who identified as gender diverse. Because of the way the question was framed, it was not possible to determine if the participants had experienced and/or perpetrated family violence. Of those who indicated there had been family violence in the relationship, half reported that it had affected their property division and half reported that it had not.

Survey respondents who indicated that family violence had affected their property division were next asked to comment on **how their property division had been affected by the family violence**. Many, however, took the opportunity to set out the physical, sexual and psychological abuse they were subjected to by their former partner (either during their relationship or following separation). Sometimes, for parents, this violence included, or impacted on, their children too. These types of family violence are discussed first, before turning to how the violence had affected the property division. Mostly, it was women describing the family violence they had experienced, but a small number of men did as well.

Types of Family Violence Experienced

Physical abuse was reported by a small number of survey respondents.

I was bashed by ex-partner, but no help was given to me regarding this. (209, Woman; Survey)

[Ex-husband] was convicted of assaulting me. (163, Woman; Survey)

The fact I was assaulted, and my child was assaulted, with a lot of psychological abuse happening during the relationship meant I was scared of him and what he could do if I didn't finally agree to pay him out some funds. (581, Woman; Survey)

It was mostly **psychological abuse** that the survey respondents reported. Their experiences of what they called psychological, emotional, or mental abuse aligned closely with the types of psychological abuse set out in s11 of the Family Violence Act 2018. People said they had been threatened, intimidated, bullied, coerced, verbally abused, mentally controlled,

²¹ Participants were given the option of not seeing any of the questions relating to family violence and 23 participants elected to skip all these questions. Of the 355 participants who chose to continue, four indicated they did not wish to answer the first question and therefore did not receive the subsequent questions either.

²² The full question was: *Has there ever been family violence in your relationship with your former partner, either during your relationship or following your separation? This could be physical abuse, sexual abuse, psychological abuse or dowry-related violence. Psychological abuse includes threats, intimidation or harassment, damage to property, ill-treatment of pets/animals, financial or economic abuse.*

manipulated, had their property damaged, experienced financial and economic abuse, and had threats made regarding their children, pets and animals.

He used psychological means to try and get into my mind. He tried to turn our children against me and, to friends and family, he made out it was all my fault and tried to play the 'poor me'. I felt very alone with no-one I could really confide in. I felt like I was a failure. It impacted my work and I almost lost my job. (439, Woman; Survey)

He was mentally cruel, threatening, and suggested taking my child off me. (609, Woman; Survey)

My ex-partner would punch the wall next to my head, left a gun in the house for me to kill myself, and was consistently psychologically abusive. This resulted in significant trauma and ongoing psychiatric support. (289, Woman; Survey)

I was abused and bullied. ... Blackmail, bullying, false accusations to Police ... cost me virtually everything we had worked for. (231, Man; Survey)

No physical violence, but plenty of emotional and financial abuse. He used the children as pawns, lied including false reports made to Oranga Tamariki²³ about my parenting, intimidated me via phone, text and in person, trespassed on my property, had me followed in a car, devalued and moved business assets to another company, dragged out proceedings by restarting negotiations from scratch whenever we came close to agreement, only handed over assets after they were damaged/broken, moved money overseas, isolated me from support networks etc. Not fun. (415, Woman; Survey)

The abusive behaviour was gaslighting and emotional and mental manipulation, so it was hard to fight against. It had been going on for a number of years and I wasn't aware of it at the time until it got really bad and I decided to leave. (171, Woman; Survey)

Threats of physical and psychological abuse included threats to kill or injure, uplift the children, refuse to financially support the children, disallow contact with children and grandchildren, harm animals, take or sell the family home, cause financial ruin, and destroy property (e.g., by burning down the house).

He bullied, used verbal abuse, threatened to kill himself, threatened with violence. (273, Woman; Survey)

²³ Oranga Tamariki – Ministry for Children (New Zealand's statutory child protection agency).

He threatened to kill me. I called the cops and I had to leave immediately and never got to collect my possessions. (365, Woman; Survey)

My ex threatened me with an axe. (244, Woman; Survey)

Partner threatened to hurt me when I separated my bank account and salary into a new bank account. ... Need a more expedient way for women (or dependent partner) to be able to legally exit/leave/divorce a dependent or dangerous relationship. The longer and more expensive the process is, the more disadvantaged she becomes. (317, Woman; Survey)

Threats made to take the children, to not give financial support to children, to take house and lock me out. (372, Woman; Survey)

My ex-husband threatened to take the children away, ruin me financially and ruin my life forever. I was in fear for my life in the last two weeks before I moved out as his behaviour became more and more aggressive. One incident involved the Police being called and he lied and the Police believed his lies (recurring issue). I felt no-one in authority would believe me and felt completely defeated. (497, Woman; Survey)

Psychological threats like not being able to see his daughter and grandchild, demeaning and mistrusting. (234, Woman; Survey)

Threats to sell the house leaving me and the kids homeless. Made me feel more desperate to buy the house off the ex. (529, Woman; Survey)

He had threatened to burn down the house while we were sleeping. (602, Woman; Survey)

When your former partner has repeatedly said they will kill you, has access to guns and weapons, and is assisted by their family, you have not only the stress of a relationship breakdown and property division, but also genuinely wondering if today is the day they kill you. Or if today is the day you walk out and see all your animals killed as promised. (124, Woman; Survey)

The **intimidation and harassment** experienced by some participants including stalking, the receipt of threatening emails, and use of coercive control tactics.

My former partner exhibited mental instability, threatened suicide, stalked and harassed me throughout the separation process. (323, Woman; Survey)

Continued abuse post-separation throughout the legal process. Having to stall the property settlement to get Parenting Order in place and mediation to set clear boundaries on communication. Found him stalking me on my property one night and had to invest in a security system. (506, Woman; Survey)

I became so intimidated and felt he was using the children. I received emails saying he was moving back into the family home and I was to move into another bedroom. He would email how I will need a job as I'm not getting anything, as all I did was sit at home and have children etc. (510, Woman; Survey)

I felt intimidated at several times during the process. (177, Woman; Survey)

Partner used coercive control tactics which were supported by his lawyer. (554, Woman; Survey)

Damage to property and the threatened **ill-treatment of household pets or other animals** was also described.

My home and belongings were damaged or destroyed by the applicant, but the law said he was still entitled to half the value of my property and, in the worst case scenario, I could have lost the home that I had worked for 45 years to purchase. Due to the Protection Order it was terrifying for me to have to be in the court with the applicant. (149, Woman; Survey)

He threatened my animals. He only did that once, it didn't go well for him. (437, Woman; Survey)

Financial or economic abuse was evident too through a former partner controlling the financial resources of the household or business, hiding assets, and forging names.

He held control of all of our finances, apportioning a family allowance whilst simultaneously investing in shares, all in his name. He bought property in his name and held several bank accounts in his name that I knew nothing of. ... Awful, inhumane loss to an abuser. He has won with nobody stopping him. (504, Woman; Survey)

Financial abuse - forging my name and hiding money. (412, Woman; Survey)

Financial abuse is real and needs to be recognised. (426, Man; Survey)

Financial abuse re partner's ability to do as he pleased with company assets as he was the director. He stopped contributing to all expenses and sold business assets leaving unpaid debt against the family home. As a guarantor I had no power to do anything without his consent, so was forced to sit and watch the debt increase to the point of default notices against the family home. I was refused all attempts to consolidate the debt and manage payments on my own as my partner would not consent. He had created the debt with the intention of having the bank force the sale of our home to free up this asset for him and leave my interests in the family business unpaid. (547, Woman; Survey)

Post-separation economic abuse was used as a continuing device to cause more harm to me and the child. ... Father directly told [Child] that they would be punished financially for siding with their Mum. ... Meanwhile he stopped paying my maintenance in a bid to cut down on what I could afford for the child. The whole

process was a nightmare that significantly plunged my child into serious mental health issues and risk of life because of the background of physical abuse, verbal abuse, and emotional and psychological abuse by father to the child. (328, Woman; Survey)

The physical and psychological abuse meant that some respondents were **scared and frightened of their former partner** and what they might do.

I was completely scared of my ex and what actions he would take if it wasn't going his way. (544, Woman; Survey)

I was frightened due to psychological abuse and years of gaslighting. He hid his assets as well as his offending against other women. (557, Woman; Survey)

I was frightened of him. He is a very good liar and a bully. (405, Woman; Survey)

I was frightened of my ex-wife. Police and legal advice deemed that it was of risk if I met with her. Yet the mediation process, including FDR (which we engaged in over the children), was such that it did not take into account the risk one ex-partner posed to the other. This aspect of the process disappointed me greatly. I would like to see steps made to remove face-to-face contact between parties in cases in which domestic violence and abuse has been involved. (110, Man; Survey)

My ex was violent while separating the house. I made a Police report and changed the locks on the doors. (295, Woman; Survey)

It meant that, at the start of the process, I was too frightened to cut off financial support to my ex, despite him living in the family home and me renting separately with our child. I continued to pay all of his expenses for weeks after separation and, when I stopped, he attempted to use custody of our child as a tool for manipulation around money. (138, Woman; Survey)

Others mentioned that the abuse they experienced related to their **former partner's refusal to negotiate** or agree to the property division unless certain conditions were met.

He wouldn't agree to the property or custody agreements until the Protection Order was dropped. (591, Woman; Survey)

Honestly, I knew what he was capable of and also knew he would never negotiate or be reasonable. He enjoyed the game he was playing and won. ... The system is very disabling, especially when somebody is in a toxic and violent relationship. The ex had all the power and eventually won his game. The system allowed him to do this. (561, Woman; Survey)

For some, the property division process was **a further opportunity to perpetuate abuse**.

My ex-partner used the entire process of property division to continue his intimidation and control of me. ... It frustrates me that people assume that relationship property division is always equal. I do accept that can't always be the case. I think that while

amicable settlement is preferable, it's not likely to be possible where there is domestic abuse, and that needs to be more widely understood. (211, Woman; Survey)

The property division became part of the abuse and was used to manipulate and blackmail me. My money prior to the partnership was not in a trust and I was afraid he would take half of it. The process was very difficult as I was frightened because of the physical, emotional and sexual abuse that had occurred. (407, Woman; Survey)

The dynamic of power and control permeated the settlement process. I was disabled from asserting myself against my husband and was too scared to pursue avenues that would have been beneficial to my future and that of my children. It was very traumatic. The professionals - valuers, accountant, lawyer, Family Court etc. - ended up further compounding the situation as they were very manipulated by my ex-husband. (410, Woman; Survey)

How Family Violence Affected the Property Division

Family violence affected people's property division in a number of different ways. For some, it meant they **wanted to get the process over and divide their property as quickly as possible**, even if this meant they accepted a less than equal share.

It made me just want it over with as soon as possible. (587, Woman; Survey)

I pushed for a very quick settlement as I could not have communication ongoing with threats of violence and the fear that would have kept in my life. (406, Woman; Survey)

I just wanted the process to be over, so didn't push as hard as I could have done when we were dividing things up. (248, Woman; Survey)

I felt more willing to accept the quickest (and not the fairest) settlement offered so as not to have to deal with my ex any longer. Sitting in mediation with our lawyers was very difficult and my ex used those opportunities to further his form of emotional abuse. ... Whilst I view the outcome of our division of assets as unfair and the process was extremely stressful, three years down the track I am happy to have escaped an abusive partner. (228, Woman; Survey)

I decided I needed to escape with my life rather than a fair settlement. (414, Woman; Survey)

I requested less than my 50% to get out faster. I received no family violence support despite asking. I did not have any family support. (570, Woman; Survey)

I couldn't deal with having contact, so just agreed with what he wanted. (353, Woman; Survey)

I didn't have the emotional capacity to contest the division of assets. (239, Woman; Survey)

Conversely, for others, the property division process **took longer** because of the presence of family violence.

It took longer to get around to the property division as we were dealing with family violence and care for child issues. (396, Woman; Survey)

It took longer and was incredibly stressful and meant a huge amount of emotional stress as it was processed as my ex used it to continue his bullying ways. (540, Woman; Survey)

Some participants chose to **walk away or leave the relationship with nothing** because of how family violence had affected their property division. For others, leaving with nothing was not their choice.

I left with a suitcase of my clothes and nothing else. ... I just wanted out. (292, Woman; Survey)

I walked away with nothing. Became homeless because I just didn't want the fight. (397, Woman; Survey)

After years of psychological and mental control and bullying it was easier to walk away and let him think he won. (549, Woman; Survey)

I was left with all debts and no understanding of any legal obligations he had to them or advice freely given to make me aware of any obligation he has to them. Was in too much of a bad headspace from events taking place, because of his actions, to even know to ask. I ended up having to give all away to get away from him quickly - leave with nothing. (527, Woman; Survey)

I did not choose to leave the property with my kids. He threatened to kill me and I called the Police. I was told to leave the house and I never got to enter again. Didn't even have a toothbrush! (365, Woman; Survey)

Some only **took property that was clearly theirs** or **bought their former partner out of the family home** in order to provide stability for their children.

I took the items that were undeniably mine and abandoned everything else. (183, Woman; Survey)

Instead of selling all the assets and splitting the proceeds 50/50, I chose to buy former partner out to avoid the conflict he was raising over preparation of the assets for sale. For example, he insisted we needed to repaint the house prior to selling. ... The additional benefit in buying former partner out of the family home was that it provided stability for the children in staying in the same property until they were ready to move. They were affected by abuse as well, so minimising the changes to their environment after the separation was the preferred option for me. (154, Woman; Survey)

Others said they were **coerced, bullied or pressured** to settle their property division or **too scared or worn down to push for their property entitlement**.

Pressure to settle. (202, Woman; Survey)

I was coerced out of taking any significant property items with me. (279, Woman; Survey)

I'm still terrified of my ex, which he knows, so he was able to bully and scare me into not fighting anything. (257, Woman; Survey)

I was scared to push for what I was entitled to as ex-husband would flare up. (584, Woman; Survey)

Couldn't negotiate settlement. Forced to sell. (309, Woman; Survey)

After being manipulated for so long I couldn't stand up for myself and felt sorry for him and that I deserved bad things to happen to me. ... If this survey can help people in abusive relationships to get what they are entitled to after separation that would be a really great thing. (198, Woman; Survey)

She would make trouble with the kids each time I tried to move this forward. (426, Man; Survey)

I had given money from an inheritance to our family home and cars, but did not contest getting this back as it was an abusive relationship and I wasn't strong enough to go through the conflict. (239, Woman; Survey)

Nobody protected me and I couldn't advocate for myself being so scared of him. (299, Woman; Survey)

Some respondents said their **former partner controlled the nature and pace of the decisions made**. They thought they had **no choice but to agree** and/or lacked the financial resources to raise a challenge.

The timeframe and process for property division were determined by my former partner and it often felt unsafe to disagree. (551, Gender diverse person; Survey)

He made the choices, and I had to accept them basically. Due to a lack of financing, I couldn't defend myself properly. ... I'm on a benefit, so \$22k per year. My ex is on \$120k per year, and now remarried (yep, fast huh?). You can't fight against a resource like that! Help is definitely needed for abuse survivors around fair property division. (385, Woman; Survey)

So controlled by him. Scary to make decisions against what he wanted as I feared the safety risk towards me and my children. (417, Woman; Survey)

I wasn't allowed to make decisions in our relationships, so had learned to go along with things to keep the peace. (370, Woman; Survey)

Very controlling. Financial control of our family trust and its assets. Refusal to distribute funds etc. in a blatant attempt to disadvantage me to gain more property than her half. (466, Man; Survey)

In my opinion, he purposely held it up knowing that I had considerably less disposal income than himself (emotional abuse) and he knew I was struggling. (516, Woman; Survey)

My partner won everything. He won in bashing me down, he won with child custody, he won with fighting in court so I couldn't leave the country to visit my family without \$5000 in court costs, and he won the vast majority of assets in our relationship property. (141, Woman; Survey)

Due to not getting 'occupancy rights' automatically as a 'victim' meant that my ex was alone in the home. During this time, he boxed up all the belongings he deemed mine and split the remaining items in the house evenly in half, believing that was 'fair'. ... I had no choice as to what he packed. To this day I still have no true idea what he took. I tried to get my lawyer to get his lawyer to allow me some of my belongings as my daughter and I were left homeless during the time of the Protection Order. Discovered all my things in the garage. ... It really didn't pan out as I imagined!!. (342, Woman; Survey)

Some family violence survivors **objected to perpetrators' entitlement to relationship property.**

When one gets to court 'extraordinary circumstances' are irrelevant because the ceiling is so high, unreachable. Yet the first time a man lifts his fist or any weapon, it should immediately be 'extraordinary circumstances' and then men will be very careful to treat women in NZ with great respect. They don't have to care currently as the word on the street is that they can disfigure and destroy their woman and practically murder her - even murder her - and they are still entitled to relationship property. How ridiculous is that? (398, Woman; Survey)

It is very hard to live 20 years with abuse and violence then, after getting help from Police and Women's Refuge, be put through repeated breaches of the Protection Order. And then see the perpetrator of that violence decide to claw back everything he is 'entitled' to. ... Property division is a difficult process and even more so when it is instigated by the instigator of domestic violence. It feels like the final kick to the curb. (413, Woman; Survey)

Some participants considered that **judges and lawyers need to be educated** about family violence.

I can't reiterate enough that the lawyers and judges need education about domestic abuse and how it affects the ability of the victim to think clearly and advocate for

themselves. Forcing them into a courtroom with their abuser is cruel and results in an unfair advantage for the abuser. (299, Woman; Survey)

Challenges or Difficulties

The survey asked participants about any factors that made the process of dividing their property difficult or challenging.²⁴ Table 40 presents the proportions of participants ($n=377$) who indicated they had experienced personal challenges or difficulties relating to the process of dividing their property.

Table 40: Did any of the following make the process of dividing your property difficult?

	<i>n</i>	%
Personal challenges or difficulties		
Emotional distress/upset	304	80.6%
Stress/anxiety	292	77.5%
Dealing with my former partner and/or their behaviour or attitude	272	72.1%
Lack of trust in my former partner	241	63.9%
Feeling pressured to agree	159	42.2%
Health issues	107	28.4%
Other financial issues/problems	82	21.8%
Inability to earn an income	71	18.8%
Not being able to afford legal advice	63	16.7%
Involvement of, and/or difficulty with extended family/whānau	63	16.7%
Involvement of, and/or difficulty with, my former partner's partner	55	14.6%
Language or cultural barriers	8	2.1%
None of the above	31	8.2%
Challenges or difficulties relating to the property division process		
The financial expense/cost	187	49.6%
The time it took to resolve	183	48.5%
Dealing with lawyers	132	35.0%
Valuation of assets and property	107	28.4%
Non-disclosure by your former partner of financial information	106	28.1%
Navigating/understanding the process/system	96	25.5%
Other decisions to make/other proceedings, e.g., child support, maintenance, parenting arrangements	94	24.9%
Lack of knowledge about relationship property law	63	16.7%
Accessing professional advice/help	49	13.0%
Other challenges or difficulties	43	11.6%
Dealing with the Family Court	35	9.3%
Dealing with other professionals	29	7.7%
None of the above	70	18.6%

Very few participants did not experience any difficulties or challenges in dividing their property with their former partner – 92% reported experiencing some personal difficulties

²⁴ Family violence was not included as it was asked about in the previous section of the survey.

and 81% reported experiencing challenges relating to the process which made dividing their property difficult.

Emotional Distress and Stress

Overall, the most commonly reported challenges were personal ones, with **emotional distress and stress/anxiety** being felt by 81% and 78% of the participants respectively.

Many of the participants detailed how **stressful** they found the process of dividing their property with their former partner. They described it as: traumatic, distressing, unpleasant, dreadful, nasty, hard, draining, painful, worrying, exhausting, emotionally taxing, damaging, horrible, and miserable. For some, it was one of the most difficult experiences of their lives.

It is one of the hardest things to go through and it lasted years. (230, Man; Survey)

The process came very close to destroying me. I had to keep the effect hidden from him as best I could because, if he knew how close I was to the edge, he would have pushed even harder. (189, Woman; Survey)

It was the most dreadful, draining, damaging event I've ever been through. I wouldn't wish it on anyway. I still feel physically sick over it. (271, Woman; Survey)

You go through mental and emotional hell – nothing is good during that time. (215, Man; Survey)

Worst two years of my life. (522, Woman; Survey)

This was one of the most distressing events in my life. (356, Woman; Survey)

High stress at an emotionally challenging time. I had to have pills to help my anxiety. (185, Woman; Survey)

This was one of the most distressing events in my life It was a tough time for myself and my kids. We all suffered through this. (359, Woman; Survey)

I believe that the stress still affects me negatively and our division was five years ago. (179, Woman; Survey)

Was extremely traumatising and has damaged me mentally and financially and only because I decided to stand up for my half and only my half. (466, Man; Survey)

Several participants spoke of the challenges they experienced due to the **emotional distress** they felt about the ending of their relationship and/or the property division.

The grief about the loss of my partner. (632, Woman; Survey)

Dealing with heartbreak and disappointment, so not really wanting to do it. (389, Woman; Survey)

The general overwhelm of experiencing so much change all at once, going through the separation process before I was ready to accept that my marriage was over (the separation was a surprise to me). (237, Woman; Survey)

Relationship law is complicated and very emotional - 17 months on from the breakup, I still have significant emotions and sadness about how it all played out. (296, Man; Survey)

Significant pain, feeling frightened, feeling threatened, feeling insignificant (I do have a degree with honours and was a well-respected person in my field). Feeling incredibly sad. (536, Woman; Survey)

These matters become very isolating. Naturally people don't want to know. Who could blame them - I don't want to think about it either! So thank you for enquiring - it's appreciated. (410, Woman; Survey)

I really wanted things to be okay for all and this made the process quite slow. Took a lot of emotional energy over many years. (518, Woman; Survey)

The psychological trauma of knowing he has everything on his side. (411, Woman; Survey)

Dealing with difficult, unstable or abusive former partners, anxiety about the outcome and concerns about their financial future, moving, and buying and selling property were all **sources of stress.**

Had to work full-time and maintain a lifestyle block. Stressful having to deal with ex-partner who refused to negotiate or engage in any attempt at settlement. Physically had to bring overgrown, neglected property back to liveable / saleable standard. (277, Woman; Survey)

It was stressful taking on a house on my own, as a solo parent. (224, Man; Survey)

Ex kept all my work and computer for my degree, so I had to drop out of studying. I had to move town. He negatively contacted everyone I was acquainted with. He told them I was after his money. My life fell apart at this time. I certainly was suicidal at various times. (312, Woman; Survey)

Having to do 95% of preparing the family home for sale, thinking about where I was going to live once the house sold, and (eventually) buying a house on my own while all of this was going on was pretty stressful. (448, Woman; Survey)

The actual process of selling the house and moving was very stressful. (170, Woman; Survey)

It was very stressful emotionally as my ex-husband kept threatening suicide or to take the children and drive off the road. It settled down once our assets were divided. (507, Woman; Survey)

It was time-consuming, it was very worrying. I had no idea if I was going to be homeless. I was solo parenting and trying to cover it all up so the children would not know. It went on for so long. (391, Woman; Survey)

The ongoing financial abuse left me feeling powerless and vulnerable, constantly waiting for the next step from the bank re mortgagee sale. (565, Woman; Survey)

It was exhausting. I packed up the house myself and moved the furniture to storage (which I'm still paying). I also took responsibility for selling the house. (280, Woman; Survey)

It affected my other relationships as I was constantly stressed and unhappy. (390, Woman; Survey)

The stress of the property division could be **compounded** by contending with other stressful issues and, for parents, parenting and sorting out their children's care and contact arrangements.

As part of a wider financial and psychological abuse Family Court issue, drawn out over six years, this destroyed my life and severely affected my children's lives. (203, Woman; Survey)

I had a number of other incredibly stressful things happening while going through the separation. My father was dying. I was also completing my Master's thesis at the beginning of the separation and wasn't sure if I would be able to find a full-time job again (I did). (161, Woman; Survey)

Exhausting. I prioritised my children through it and it took away my ability to do my own self-care as I had so much to do. It nearly broke me. (540, Woman; Survey)

It was very difficult to be able to be the full-time parent and deal with all the drama of getting the house sorted. (529, Woman; Survey)

Some participants noted the **difficulty of making decisions** about relationship property division when they were in an emotional and vulnerable state. Others thought their mental state compromised their ability to take steps to ensure that the settlement was fair and they received what they were entitled to.

So hard to do rationally in a highly emotional state. ... I hope there are some better ways to help support people going through such a difficult time. Making hugely important decisions when they are emotionally compromised and with someone they have a poor relationship with! (268, Woman; Survey)

I was not in a good emotional state to divide the property and should have sought advice, but did not. (430, Man; Survey)

In the need to hasten the property division and become financially independent I did not contest a number of property division decisions that seemed unfair at the time when I was vulnerable emotionally and financially. (517, Woman; Survey)

I was suffering from depression due to the separation and did not fight for what was fair for myself. In hindsight, I think it would have been helpful to have someone go to the lawyer with me and encourage me not to just give in. (237, Woman; Survey)

Wait until after the emotional feelings of separation clear. My former partner made an offer to buy me out of property that was well below an independent valuation. I was vulnerable to the feeling of giving in to please him and get it all sorted quickly. (490, Woman; Survey)

Former Partners

The participants' **former partners** were also a challenge for many. Nearly three-quarters (72%) of the participants found dealing with their former partner and/or their behaviour or attitude challenging and nearly two-thirds (64%) did not trust them.

He was an ass. (399, Woman; Survey)

My former partner was very difficult to deal with and refused to get a lawyer. My lawyer couldn't deal with him either. (596, Woman; Survey)

No matter what my lawyer suggested, my ex refused to agree to any of it. (356, Woman; Survey)

Love is blind. Narcissists are clever and convincing. (519, Woman; Survey)

Ex-partner refused to resolve anything unless he could control it. (598, Woman; Survey)

Him refusing to acknowledge how long we had actually been together. (158, Woman; Survey)

Refusal of ex-partner to accept the relationship had ended and being belligerent, non-compliant and abusive. (197, Woman; Survey)

Former partners who were **non-communicative or refused to engage** made any negotiation challenging.

Former partner would not engage in any discussions or process. (449, Woman; Survey)

It is impossible to negotiate with someone who does not want to negotiate, has possession/control of all the assets, and a significantly stronger financial position. (189, Woman; Survey)

My ex refused to discuss the issue and it took over four years before the matter was even discussed. My lawyer was unhelpful. I believe it would never have been resolved and had given up any hope of seeing anything. Then, one day, my ex decided to move house and made an offer. My lawyer kept advising against taking it to the Family Court. I don't know why. (561, Woman; Survey)

When a partner walks out, moves to another city and doesn't speak or have any contact with you or the children, files for separation using a court bailiff and you have no address information on them - very hard to deal with, especially with no legal knowledge. (537, Woman; Survey)

My ex-husband seized our business, continued running up debt in my name and would not relinquish the assets or work toward settlement. (326, Woman; Survey)

This included former partners **delaying or stonewalling** the process.

Ex-partner took long to reply every time. (467, Man; Survey)

My ex-partner stalling. (255, Man; Survey)

His stonewalling the process. (538, Woman; Survey)

Ex being completely stubborn, not replying to lawyer's letters etc. (545, Woman; Survey)

My ex was so busy chasing his mistress that he would often not respond to my emails or texts, so I had to do a lot of nagging. (302, Woman; Survey)

It took 12 months of pressure before my ex would agree to sell our overseas property so we could move towards a financial settlement. (380, Woman; Survey)

My ex was able to stretch the settlement for six years since separation, even although he was instructed by the judge to 'be expedient'. He retained a house, bought with matrimonial money, with no monies given back to me. (582, Woman, Survey)

The biggest issue was him not wanting to sign the separation document. Once he realised the funds from the house sale would not be released until he had signed, it went okay. His family is wealthy and he could afford to hold out. He was also employed in a good paying job. I was renting, unable to work because of [health issue]. (519, Woman; Survey)

Deceptive, manipulative, abusive, controlling, threatening, demanding, harassing or humiliating behaviour was also difficult for many participants.

Deception by my former partner. (393, Woman; Survey)

His manipulative behaviour. Courts and lawyers don't understand it at all and seem oblivious and/or powerless to stop it. (417, Woman; Survey)

Dealing with manipulation and narcissism of former partner and his mother. (132, Woman; Survey)

My ex-wife was highly abusive and manipulative, continually trying to prevent me having access to our children. (174, Man; Survey)

Abusive messages throughout the process. (198, Woman; Survey)

My ex-husband's threats. (584, Woman; Survey)

His demanding threatening attitude and his use of putting me down, making me afraid to take out a Protection Order and stand my ground. (571, Woman; Survey)

The fact that although I produced everything openly with evidence concerning my financial situation/position, my ex-wife continued to harass me through her lawyer for something I didn't have based purely on her word and no evidence. (617, Man; Survey)

That after working so hard to raise his children/our children to be good educated contributing citizens he has undermined me and ridiculed me to our children. Although I raised them alone in the war-zone of domestic violence he turned our home into with his unpredictable violent rages, he has managed to convince our children that I am to blame for everything and painfully they will have nothing to do with me. So, I gave up my life for nothing and the state won't even hold him accountable. ... I feel so let down. (398, Woman; Survey)

This controlling behaviour could also extend to former partners **controlling the division of personal belongings and household items**.

He packed our personal and household property into a shipping container, which is still locked and unavailable to me three years later. He thinks he is the winner, but I really don't care very much. (347, Woman; Survey)

My ex-husband told me under threat of taking the children permanently what I was allowed to have. (497, Woman; Survey)

We both agreed through lawyers that I could pick up stuff, like my clothes and belongings, and he wouldn't let me when I arrived. This happened three times. (594, Woman; Survey)

As outlined earlier, those participants who had experienced **family violence** could find the division of relationship property particularly challenging, especially if the violence was

ongoing and/or they were still recovering. Some thought the process allowed abuse to continue and felt unsupported and fearful.

I was recovering from domestic violence. (577, Woman; Survey)

The fact that my ex-partner was able to use the process to continue to frighten and degrade me. (211, Woman; Survey)

The fact I was told not to 'worry about money' or 'hold up the process' while my ex-partner sold off assets and kept them for himself. I was powerless to stop him. Police told me that, after speaking to him about the fact he had been told not to threaten me after being released from jail, that there are 'two sides to every story and he has said there are times he is afraid of you'. I never rang them for help regarding him, and he knew it and used it to his advantage. This was all with him having multiple arrests prior to our relationship for assault. Having a 'charming', but violent partner made things so much harder. (139, Woman; Survey)

Being an immigrant and being subjected to his control around going home to visit family with the children. The current system is an abuser's paradise. No income, still no Legal Aid. Wealthy people using the [1980] Hague Convention to control ex-partners and children, and they get legally aided. Sick. (162, Woman; Survey)

The expectation I would be able to advocate for myself and the assumption that, since he seemed nice, he was telling the truth. The fact that every time I proved him lying I was told to shut up about it and they just glossed over it and moved onto the next lie. (299, Woman; Survey)

My former partner ... ignored court orders with no sanction. I was too scared to ask for a contribution for the care of the children, for their safety. I have never pursued child support through fear and trauma and pay for all the costs of our children. (410, Woman; Survey)

Over four in ten respondents (42%) reported **feeling pressure to agree**.

He was a bully and basically made me agree to the division he decided. I was so stressed, just wanted it over and done, so just agreed. How come he cheated, ended the marriage, but I had to pay my legal fees? (595, Woman; Survey)

Some participants found it difficult when their former partner **spread rumours** about them, **made false accusations or lied**.

The fact my ex-partner chose to lie. (628, Man; Survey)

The complete betrayal, and lies and rumours she spread about the community. (287, Man; Survey)

Ex-husband had accused me of stealing money from our business which was false!!
(218, Woman; Survey)

The feeling that your relationship was now just about money and how much they could get from you. They start trying to get 60/40 split, spread rumours to discredit you to aid their case etc. and nasty accusations are made. Then you get threatened by lawyers. All this when you've done nothing wrong and they've been cheating on you!
(230, Man; Survey)

My ex-partner and his unreasonable requests and false accusations. (515, Woman; Survey)

For others, it was their former partner's **fraudulent behaviour** that proved difficult. Over a quarter (28%) of the participants reported their former partner's **non-disclosure** of assets, debts or financial information as a challenge, while false valuations and fraud were also alleged.

My ex did mortgage fraud ... Did not disclose his full income during the marriage. ... He created relationship debt. ... Used our joint guarantee to move monies and had bought secret properties under trust/company names/hidden in his family members' names. Who do you take to court to disclose these hidden monies? ... It would have taken a forensic accountant to find the money – the cost of lawyers/accountants I could not afford, because he had stolen the money. (412, Woman; Survey)

My partner gave false valuations, didn't declare assets etc. (410, Woman; Survey)

Separation of assets process dragged out as partner tried to devalue property and keep the trust for themselves. (189, Woman; Survey)

Former partner started up another business and took assets from our business into it. I did not have access to the business accounts to be able to highlight this behaviour, so it was not addressed. (565, Woman; Survey)

Disputes over debts or joint funds were also mentioned as challenging.

My former husband disagreeing with the amount he needed to provide to pay off the joint credit card debt, and the fact that when I approached him about it, he said he had no money. Also, on the day he left the marital home, he made several cash advances on the credit card with daily interest which added to the debt. (246, Woman; Survey)

Accessing our financial records, which were on our home computer. Accessing joint accounts, to prevent those funds being used to pay ex-partner's lawyers. (231, Man; Survey)

Health Issues

Health issues (either their own or their former partner's) made the property division challenging for just over a quarter (28%) of the respondents. Brain injuries, mental illness and ongoing health issues due to family violence were the most commonly mentioned health problems that impacted on the property division process. Health issues could also impact on people's ability to earn an income.

My ex had taken out a loan with [a relative] that I knew nothing about. I suspected he was laundering the money for his [relation] who lived [overseas] and had a lot of money she wanted to bring home. However, I had just had a head injury and couldn't figure out how he was doing it. My lawyer was too friendly with his and I ended up having to change lawyers and start over. I know now he was moving it through our accounts and then taking it out of his Visa in cash every week, but my head was too scrambled then to find it. (140, Woman; Survey)

Lack of acknowledgement of my PTSD because of his abuse and insistence I sit in a room with him when I couldn't speak and just shook. (136, Woman; Survey)

As a result of the abuse I had developed a hoarding disorder and was frightened to let the valuer into the messy house. I would have fought harder, but was scared to lose the children. (374, Woman; Survey)

My husband's brain injury. (563, Woman; Survey)

Mental illness of former partner. (245, Woman; Survey)

For a period, due to serious mental health issues, my partner was legally unable to make a decision. We'd verbally agreed all the terms of our separation prior to this, and she'd communicated to her parents and lawyer. But it was decided that we'd put things on hold until later. This resulted in having to get updated valuations for the house, and some renegotiation of the terms of separation. (224, Man; Survey)

Son's suicide. Health deteriorated/ability to earn. (111, Woman; Survey)

Not having postnatal depression [would have helped]. I could have been better able to manage the process of selling our family home sooner if that had been the case. However, the delay did have some benefits for the home attracting a better sale price which, in turn, gave me more money to start out with on my own. So, the delay didn't penalise me in any way; if anything, I was better off as a result (170, Woman; Survey)

Financial Issues

Financial difficulties, such as not being able to earn an income, not being able to afford legal advice and other financial issues or problems were experienced by around a fifth of the participants.

I was earning very little and the mortgage started going into arrears. I had phone calls from the bank every two days asking when I would pay. I had explained the situation, but it went on for weeks. (380, Woman; Survey)

The primary issue was dealing with my ex-partner, and the lack of acknowledgement in the law for the different positions we found ourselves in at the end of the relationship. I was incredibly vulnerable financially in the immediate aftermath - no person at the end of a relationship should find themselves immediately cut off from the income they had depended upon and having to beg an ex-partner for money to eat. The power differential and humiliation were huge. Then various controlling tactics were used that prevented me from accessing chattels, from being able to access my things when they arrived in [city] without going through him. (341, Woman; Survey)

I never lacked security but, at my age, financial pressure was stressful at times. But initially it would have deprived my ex-husband of what was provided and, now when we both want [the farm] sold, we have to rely on the market. (485, Woman; Survey)

Economic disparity between parties was also mentioned as problematic.

Ex-husband was financially better off because of income. (482, Woman; Survey)

Financial dependence strongly favoured him limiting my choices and financial security for the rest of my life. (348, Woman; Survey)

The most common challenges relating to the property division process related to the **time** and **financial cost of dividing the property**, with around a half of the participants indicating that they found these challenging.

The time it involved while trying to work and travel to lawyers and bank and school meetings, phone calls to all the above, and changing things into my name i.e., phone, Internet, power bill, rates etc. So much to do at such a stressful time. (285, Woman; Survey)

I can earn more money. I can't get back the years and \$ spent arguing about property. I walked away from the threat of years in court to be able to restart my life. (322, Woman; Survey)

The **expense** involved in dividing property was challenging for half of the participants, with the **cost of legal advice or representation** being difficult for some.

Every time I spoke to a lawyer it cost me money. This is really hard. Also, I think people do not understand what coercive control is, so one lawyer I went to almost was against me in regard to my asset protection. (478, Woman; Survey)

Best if you can work it out. Going to lawyers from the start can cost so much for such little gain. (401, Man; Survey)

Lawyer's fees are over the top, and they didn't really advise me at all. (390, Woman; Survey)

Stop making legal issues incomprehensible which allows for exorbitant fees simply to translate. Accept that non-lawyers can be also intelligent and make informed decisions without having to get assertive. If I didn't need a legal separation for bank purposes, I would not have gone near a lawyer because I always feel I've been taken for a financial ride. (572, Woman; Survey)

Everyone else has just told me I need a lawyer, but how could I afford a lawyer when I was too traumatised to work and then only able to get a job working for \$18 per hour ... so I can afford a barrister at \$300 plus dollars an hour, with an accountant who charges \$100 every time he looks at my account. ... The whole system is corrupt. NZ should be paying the costs of victims of domestic violence and then get the perpetrators to pay, not court order their victims to pay. ... I have a court order to pay for being a victim of domestic violence ... it's hideous. (398, Woman; Survey)

Legal Aid was said to be unavailable or considered to result in lower quality advice or representation.

First two lawyers were Legal Aid. I received very poor advice from both across the board. ... Legal Aid lawyers don't cover property. (380, Woman; Survey)

It's not an area of law that many lawyers wanted to deal with! No Legal Aid available in this area either. It was the hardest part of my separation. The leaving was easy. (385, Woman; Survey)

Dealing With Lawyers

Over a third (35%) of the respondents found **dealing with lawyers** made the process of dividing their property difficult. They **complained about lawyers** being useless, unsupportive, providing poor quality advice, or having ulterior motives.

It was a disaster and my lawyer was useless. Gave bad advice and did not protect me or even get proper disclosure. (557, Woman; Survey)

Lawyer did not explain the process, did not support me even though working for me, extended the process by not responding to my communications, and purposely blocked the process. (209, Woman; Survey)

Lawyers treat it all like a game, refusing to disclose information, making subtle threats, and just bluffing. How is all that conducive to a clean break? How is that conducive to justice/fairness? (606, Woman; Survey)

Don't rely on lawyers, accountants etc. to fix the dispute. They often (but not all) have ulterior movements to keep the dispute going. (384, Man; Survey)

I felt, and was, manipulated by my lawyer to agree to my ex-partner's demand. The lawyer for my ex was rude and insulting to my face in front of the Family Court judge. My family lawyer sat back and charged me for made-up services. ... I considered making a complaint to the Law Society, but I was too exhausted mentally to do that after my case finally finished. However, I am very concerned about the actions of my family lawyer and barrister. My barrister did not use the evidence I had to prove my case. I couldn't understand why he wasn't using any of it, like bank statements. I was asked to provide a lot of information like that, but he didn't use it. My ex wasn't asked to provide any. I kept asking why he didn't have to declare his assets etc. and I was never answered. I told my barrister that my ex had not declared one of his bank accounts and he would not address it. The whole process was corrupt. (209, Woman; Survey)

I hope lawyers realise that even when it appears their clients are in agreement, that sometimes they may require extra support to really look at what is being presented. (370, Woman; Survey)

I felt I was held at ransom by the lawyers and [former partner], and I had no say or ability to settle this without it costing me everything. I was advised if I did not negotiate with him and his lawyer, he could take it to court and I would have to pay all the court costs and his lawyer's costs. (439, Woman; Survey)

Patronising male lawyers. Old Boys Network in the legal profession. (171, Woman; Survey)

Lack of honest information from my lawyer. ... The lawyer I engaged pushed me into applying for spousal maintenance, a very costly undertaking, meaning she took most of the spousal maintenance received in her fees. She was not up-front about what she would charge for this, and not honest about all of the steps in the protracted process. Had I had clear, honest information, I would never have gone through with it. It was a very traumatic process on top of an already traumatic situation. It was very confusing as when I asked about child support, I was told that it would be 'sorted out', which it never was. I now know, that had I been advised to apply for child support on the day I knew my then husband was no longer working for our company, we would have had money to keep a roof over our heads. I felt re-traumatised by the lawyer who was supposed to be looking after my (and my children's) interests. It was our family

accountant that eventually called a meeting between us and managed to negotiate an agreement between us during a face-to-face meeting (something I had been asking my lawyer to do, and she kept declining, as I knew he had a need to look like the 'good guy' in front of other people). We then had a formal agreement written up by lawyers (in my case, a different one to the one who took me down the spousal maintenance route). (216, Woman; Survey)

A small number of participants outlined situations where they and their former partner had agreed on what they both believed to be a fair property division. However, they then found it challenging when they were **required to obtain legal input** (e.g., at the request of a bank) or their lawyers 'picked' apart their decision.

We wanted the bank to accept our agreement written by ourselves without legal expenses and intervention - they wouldn't allow this. ... [Their] having to tick boxes meant that we had to incur expense etc. to satisfy their requirements, regardless of our wishes and intent. (442, Woman; Survey)

A good and equal discussion of the ramifications of our decisions which were not strictly in keeping with laws. We negotiated our own decisions and just needed the lawyer to put them in legally so the banks could sort our next step. (572, Woman; Survey)

My partner and I had resolved how to split assets within six months of separation. The lawyers then picked holes and it took another six months before the asset split could be finalised - with a similar result to what the two of us had agreed! (325, Man; Survey)

Dealing With the Family Court

While overall, only 9% ($n=35$) reported finding their experience of the **Family Court** difficult, this represented 92% of those who had gone to the Family Court to divide their property. People complained that the Family Court was **frustrating, broken, useless and terrible, with long delays, high costs and unfair outcomes.**

Really frustrating going through the Family Court - three different hearings and my former partner never supplied any information or turned up to court. I had to supply all the information for both sides. (277, Woman; Survey)

The current New Zealand Family Court system is not working. (419, Woman; Survey)

Please fix all broken systems in a broken Family Court. (411, Woman; Survey)

Family Court is totally useless. The judges need to live in the real world. They are not qualified to make judgements about financial matters. If they knew what they were talking about they would have recommended that the investment was split into two policies, one for each of us, that we had control of - instead of me having to wait years to see if he would claim for hardship, or leave the country, and not get my share on

maturity, as stated in the court order. I still don't know if I will get it or how much is in there now. (354, Woman; Survey)

Family Court system is terrible, huge waits, huge expense, and often very unfair outcomes. (598, Woman; Survey)

The time frames to get into court and between hearing dates are too long. Not only does it increase the possibilities of financial abuse, but it also keeps children caught between emotionally charged parents for too long. (565, Woman; Survey)

The courts are useless, and they take sooooo long. (390, Woman; Survey)

The Family Court's intervention in 5.5 years of abuse via the court system, vexatious proceedings, which not only ruined any hope of a reasonable settlement, but have ongoing ramifications I will never recover from. (203, Woman; Survey)

Other Concurrent Decisions

A quarter of the participants reported that **resolving other issues** or having **concurrent proceedings**, such as for child support and/or parenting arrangements (day-to-day care and contact), were added challenges that could complicate the property division.

My husband was taking me through the Family Court at the same time trying to get access to our child. (413, Woman; Survey)

Having the difficulty of also trying to resolve custody happening alongside this, and being threatened with being taken to court, knowing I couldn't afford that. And, also fearing that because I was not in a strong position to provide for the children, that I might lose them. I felt more comfortable with the law around property division than I did around custody. The pressures of custody, and disagreements over that, also play out in trying to divide property. (341, Woman; Survey)

My ex was unhappy with the parenting arrangements and these had to be sorted at the same time. (489, Woman; Survey)

My ex-partner filed numerous proceedings in court; financially and psychologically bullied me via the Family Court for over five years. This left me unable to fight for a fair financial settlement as I had to use all the money I could gather to protect my children. (203, Woman; Survey)

Valuation of Assets and Property

Over a quarter (28%) of participants experienced challenges relating to the valuation of properties, shares or businesses. When valuations were not undertaken this could lead to **under- or over-estimates of property values**, which impacted on property division outcomes. Other participants reported difficulties relating to being unable to determine accurate values of property when multiple and varying valuations were provided.

I wanted to get my money out as quickly as possible to buy a new home for my son and myself. Unfortunately, I tried to keep my ex happy too, so he wrote down what he thought was fair and I went along with it. ... Nothing was valued, so what my ex said our property and belongings were worth was taken as the amount! ... I didn't even get my money back that I had put into the property. (370, Woman; Survey)

The main reason for our dispute was the valuation process used to value my business. Accountants acting for me had a very different valuation view than the accountants used by my ex-partner. (384, Man; Survey)

Tried to get a valuation on unlisted shares that my ex and I owned in the company that he worked for. This valuation was not forthcoming - three different valuations were provided within six weeks. None were accurate. (159, Woman, Survey)

I gave in and gave him extra to get it over and done with as they were arguing for more and could not understand what we owned and the value of the items. They kept wanting more, but could not and would not provide valuations - just kept plucking sums out of thin air and, every letter, the figures changed. We would agree on one thing and then they would ask for something else. Then the things that had been agreed on, they would forget about and come back with different figures again. (439, Woman; Survey)

Other Challenges or Difficulties

Other challenges or difficulties outlined by the participants, but not listed in Table 40, included: trust-related issues, parties being in different locations, parenting issues, lack of support, and housing issues.

Trust-Related Issues

Several participants were wary of **trusts** or concerned about how trusts could be used to detrimentally affect their property division and/or had to spend money on legal fees for advice or services related to trusts during the property division process.

The trust was illegally used against me during the process in an attempt to disadvantage me. Took a lot of effort and the skills of a very experienced QC (my lawyer) to have the Family Court instigate the trust busting clause to free up assets. (466, Man; Survey)

The trust that all our assets were in had a clause by which I could be removed at will by my ex. This was never ever explained to me. I effectively signed a prenup. The whole area of trust law is appalling. ... I received a letter from my ex's lawyer saying everything was in the trust, I had been removed as a trustee and they would give me \$100,000 as final settlement. They 'forgot' in ten years to make me a capital beneficiary and to fully explain the terms of the trust to me. I complained about the trust lawyer and he got found to be in the wrong and had to apologise and pay \$700.

This in no way made up for what I went through and the \$35,000 I had to spend on a lawyer. (508, Woman; Survey)

It was a nightmare trying to get my half of trust assets out of the not-at-all-independent trustee. ... A so-called independent trustee who was actually my husband's crony. He actually acted for my husband against me in the property settlement. (315, Woman; Survey)

There's a huge discrepancy in the legal system when it comes to trusts. I honestly can't see, for the life of me, how, in this day and age, my ex could set up a trust and put all the assets into it without making me a trustee. (188, Woman; Survey)

Assets held in a trust should be relationship property. Hiding assets in a trust disadvantages the spouse. (302, Woman; Survey)

I hate trusts because my ex-husband forced me to sign some documents which didn't give me rights on his investment property. I spent a lot of time, many hours, to follow the renovation of the trust house ... for around two and half years. At the end, no pay for all my work as the law doesn't allow me to claim anything against the trust house because, according to the lawyers I saw, the house is under a trust. I find this very unfair. The trust law has to change otherwise it's useless and some dishonest people use trusts to take advantage of their partner. ... If assets are put into the trust with one partner as a beneficiary, the vulnerable partner has to receive some financial help from the partner who is a trust beneficiary and who lives very comfortably when his ex-partner is poor and sick. (409, Woman; Survey)

Trust assets were divided in two, but there were six beneficiaries of the trust, not just two. Matrimonial law cut out the legal rights of four beneficiaries on settlement. (118, Man; Survey)

I don't feel I had a fair settlement because my ex-husband used the trust as a means to defraud me. (188, Woman; Survey)

They seem a safeguard, but I know they can be dissolved if fraud is proven. (220, Woman; Survey)

Parties Being in Different Locations

In some situations, the property division negotiations were complicated by the **parties living in different locations**.

He was in prison. (471, Woman; Survey)

Her family was in [another country] so dealing with them remotely. (215, Man; Survey)

I was still resident in [another country]. (430, Man; Survey)

My ex-partner skipped the country during the legal procedures. I had to arrange significant financial protections so I would not be liable for his debts. He refused to resolve the division for nearly one year and I had to threaten to take him to court before he agreed to the division of assets . (235, Woman; Survey)

Parenting Issues

Several participants commented that **parenting** and **caring for children who were struggling emotionally** was an additional challenge.

Having young children to look after emotionally and physically, as well as a part-time job meant, mentally, the property split was hard. (314, Woman; Survey)

Trying to make as little impact on the kids as possible, although they were late teen/20s. (615, Woman; Survey)

The emotional state of the children. (544, Woman; Survey)

We have four adult children. They were involved and shouldn't have been. (135, Woman; Survey)

The pressure felt by my son. He just could not take the ongoing conflict and uncertainty and threats from his father. His world was torn apart. The harm resulted in self-harm, threats to suicide, dropping out of mainstream school, attempted suicide. I suffered PTSD because I could see it all coming, wanted to stop it to protect him, and could not get any co-operation from the other parent and no support from the court or CYFS.²⁵ It was an extremely vulnerable time which caused significant harm. (387, Woman; Survey)

My son was suicidal, so I should have not made any decisions at this time. (127, Woman; Survey)

Lack of Support

Given the difficult nature of property division described by many, some participants reported a **lack of support**, particularly from family, as a challenge. This included not having any support or finding the involvement of their family to be problematic.

Not having my family support as they were on the other side of the world. (114, Woman; Survey)

I felt very unsupported and had no family support either. (405, Woman; Survey)

Lack of family acknowledgement of violent family environment. (570, Woman; Survey)

²⁵ Child, Youth and Family, now known as Oranga Tamariki – Ministry for Children (New Zealand's statutory child protection agency).

I didn't have a job and had a small baby. I was isolated and relied on my ex-partner for help for some things. This made it really hard as I was too scared to ask him to leave the property or I would be alone. I found it incredibly hard to get the property ready for sale - because he did not want me to sell it, he made it hard too. (478, Woman; Survey)

I felt like no-one was really on my team. (423, Woman; Survey)

[I needed information about] where I could access more emotional support and help. (594, Woman; Survey)

Housing Issues

The expense of **relocation** and/or **accommodation** or **not having somewhere to live** was difficult for some.

Tenants in our rental, so I couldn't move in there when I left. (213, Woman; Survey)

My housing situation was very dire, and this was used against me to agree to things I didn't want to agree to. (279, Woman; Survey)

I did not have a place to live so stayed with family. (517, Woman; Survey)

The expense of accessing separate accommodation for one of us (we alternated who spent time in the family home) while we resolved the property issues. (177, Woman; Survey)

Moving city and stress of staying in [city] with job and no house, or moving to [another city] with a house and no job. (322, Woman; Survey)

What Would Have Made the Process Easier

After outlining what they found challenging or difficult about their property division, the survey asked participants to detail what, if anything, would have made the process of dividing their property easier. To help ameliorate the difficulties they experienced in dividing relationship property with their former partner, their suggestions included: differences in their, or their former partner's, attitude or behaviour; obtaining legal advice or representation; obtaining agreements prior to, or at the end of, the relationship; shorter timing to avoid undue delays; affordable housing; financial knowledge and understanding; information, advice and support; and improvements to the law, legal system and dispute resolution processes.

Different Behaviour or Attitude by Former Partner or Survey Participant

A **former partner's behaviour or attitude being different** was the most frequently mentioned way in which the property division process could have been made easier.

Participants would have preferred their former partner to be **more reasonable, fair, co-operative, honest, trustworthy, timely and transparent**, as well as to be **less emotional, difficult or abusive**.

If my ex had cooperated. (544, Woman; Survey)

To have an honest, ethical partner. (564, Woman; Survey)

If he'd agreed to stick with our original agreement and not threatened to fight it. (226, Woman; Survey)

More transparency, less games being played. Telling truth on affidavits. (391, Woman; Survey)

Having trust that my former partner wouldn't try to rip me off. (280, Woman; Survey)

If my partner was less emotional and passive aggressive. (369, Man; Survey)

My former partner being reasonable, instead of petty and nasty, would have been very helpful. (266, Woman; Survey)

The process would have been easier if ex had been more reasonable in his demands. He was only thinking of himself and his relationship with [his new] partner. (273, Woman; Survey)

An ex who did not have mental health and addiction issues! There were so many curve balls because he was not honest, despite lawyers and legalities. (210, Woman; Survey)

A greater willingness to be fair and reasonable, primarily on my ex-wife's part, but also probably on my part. (176, Man; Survey)

If my ex hadn't been a complete and utter narcissist who wanted myself and our children to have nothing. (188, Woman; Survey)

If people understood that my ex-husband was intentionally confounding the settlement and using it as a form of domestic abuse. (410, Woman; Survey)

If she was forthcoming about her plans and not trying to trick me or undermine the process of a fair division. Me being assaulted by her was choking and very disappointing. (483, Man; Survey)

Partly his refusal to negotiate. Once I just agreed, we split everything and it was done. (524, Woman; Survey)

My ex-husband not being such a dick about getting every last cent legally available to him - when he was the one who chose to end the marriage after accruing a gambling debt which we then had to split. (250, Woman; Survey)

Not having to deal with the ex-partner. If all communication was done with a paid mediator or family member, as dealing with him was very tolling on me and stressful. (418, Woman; Survey)

Some survey respondents suggested that a **stronger response to their former partner's behaviour or attitude** might have made the process easier.

Having him locked up for threatening to kill me. (365, Woman; Survey)

Having no face-to-face contact with ex-wife. (174, Man; Survey)

Other participants thought that they, themselves, should have adopted a **different approach to their former partner or to the property division process**, for example, by being tougher or less emotional.

Less emotion on my part. (552, Woman; Survey)

Maybe seeking professional advice, feeling less guilty. (518, Woman; Survey)

If I was a bit tougher! And had insisted on the farm being sold early on. (485, Woman; Survey)

Not allowing harassment from a partner, or a partner's girlfriend, to happen. (220, Woman; Survey)

If I hadn't given in to emotional blackmail. 'I'll kill myself if you don't ...'. (513, Woman; Survey)

Some said they **wished they had never entered the relationship in the first place or disliked what had happened during the relationship or breakup**.

If I had never entered into a relationship in the first place. (231, Man; Survey)

Not to have happened in the first place. Knowledge is power and I had none. (537, Woman; Survey)

Not having married a narcissistic bully in the first place. Having some financial independence and recent work history. Not having children and protecting them from all the crap. (189, Woman; Survey)

If he didn't cheat on me. (539, Woman; Survey)

Never getting back together with him!!! (609, Woman; Survey)

Hindsight!! Lol. (219, Man; Survey)

If the ex had died. (412, Woman; Survey)

Legal Advice, Legal Representation and Advocacy

The second most frequently mentioned way the property division process could have been made easier involved the obtaining of **legal advice, legal representation or advocacy**.

A good lawyer! (557, Woman; Survey)

Lawyers are your best friends. (332, Woman; Survey)

If my former partner had used a lawyer. ... I basically gave up as he was too hard to deal with and I didn't want to go to court as I was too emotional. (596, Woman; Survey)

Access to similar legal representation. My ex hired a QC and she was a bully, like him. I never stood a chance. (359, Woman; Survey)

I tried to negotiate with him directly, but should have involved lawyers from the beginning to reduce the time it took. I believe he took enjoyment out of refusing to negotiate and changing the direction as often as he did. (338, Woman; Survey)

In hindsight, compulsory legal advice should be sought to ensure the split is fair and lawful. (449, Woman; Survey)

Having someone to advocate for me. (257, Woman; Survey)

Some participants thought **their lawyer being more professional, knowledgeable, competent and supportive** would have made the process easier.

It would have been easier if I'd had a lawyer who understood the realities of dealing with someone who continues to use intimidation and coercive control after separation. (211, Woman; Survey)

Lawyers listening and not prolonging with legalese to increase costs. (572, Woman; Survey)

A lawyer with no hidden agenda. (209, Woman; Survey)

Having a lawyer who knew what he was doing and was skilled in what was required, instead of taking me for a ride, insisting he knew what to do, and managing to achieve nothing except making everything worse before he got struck off. (466, Man; Survey)

I think if I had found the right lawyer in the beginning it would have been fine. I tried to work it out with my husband first then, when I realised he was not being honest or fair, I went to a lawyer who made the next few months more difficult. With a good lawyer giving kind and strong guidance it was able to be resolved and I felt stronger in every way. (378, Woman; Survey)

If the lawyer who wrote the contracting out agreement had included the correct terminology into the document in relation to how we reached a valuation agreement. (298, Woman; Survey)

None of it was easy. I was alone the whole time - my lawyer supported him, not me. (577, Woman; Survey)

Changing lawyers to one dedicated to just the property division. (516, Woman; Survey)

Knowing a lawyer would believe me. (567, Woman; Survey)

For others, had their **former partner's lawyer behaved differently** it would have helped.

Not being threatened by the other lawyer. (628, Man; Survey)

Her lawyer not having preconceived biases. (255, Man; Survey)

Her lawyer not asking for more and more information while not providing it in return. (181, Man; Survey)

Being able to obtain information about the different ways that this could have been done. I went to the lawyer as his lawyer advised me in the first letter I should seek legal advice, and so did my ex-husband. I did this and asked how I could do this in the cheapest way? She said if he had a lawyer, so should I, but I could act for myself if I wished. I spoke to a friend who advised we could do this without lawyers. I tried to get my ex-husband to at least try this, but his lawyer would not allow it. I tried to do it without my lawyer, but his lawyer attacked me in every letter and I could not deal with it emotionally. (439, Woman; Survey)

Some participants wanted **more affordable (perhaps free) legal advice and representation** to make the property division process easier.

Free legal help. (279, Woman; Survey)

The ability to afford legal representation. (592, Woman; Survey)

Being able to afford a lawyer from the outset. Being able to afford a Protection Order. (613, Woman; Survey)

It needs to be much cheaper. As everyone says, the only winners are the lawyers (and greedy ex-husbands). (390, Woman; Survey)

Cheaper access to court and lawyers, so better placed to involve courts earlier. (538, Woman; Survey)

If the cost wasn't so high to fight for my entitlements and if the impact on the children wasn't an issue. (584, Woman; Survey)

Me getting legal advice re my trust. I just couldn't bring myself to spend the money knowing I might be jobless for a period when I moved. (322, Woman; Survey)

I'd advocate for sustained access to family legal advice for people earning less than the Living Wage. (235, Woman; Survey)

Legal Aid was suggested as another way the property division process could be made easier through lawyers.

At the very least, Legal Aid. (203, Woman; Survey)

More family lawyers willing to accept Legal Aid clients. (190, Woman; Survey)

Knowing Legal Aid was an option. (567, Woman; Survey)

Having an Agreement

Participants raised a number of issues in relation to relationship property agreements to either contract out of the PRA or to set out the property division once negotiated and agreed.

Entering into, or enforcing, a **contracting out ('prenuptial') agreement** could have made the process easier for some participants. Others suggested a **robust, written, legal agreement** setting out the agreed property division would have been helpful.

To have a signed prenu agreement. (564, Woman; Survey)

I should have insisted on a prenu at the first sign of violence. (530, Woman; Survey)

A solid legal agreement at the end of the relationship to agree the path forward. (296, Man; Survey)

Simpler or Clearer Documents or Processes

Simpler or clearer documents or processes were suggested.

A simpler agreement. My ex got upset about the legal language in the agreement and what he perceived it meant. (324, Woman; Survey)

No need for independent legal advice on both sides when you agree. Straight to a simple court order. Can be a form. (339, Woman; Survey)

Simple way to secure 50% share without prolonged delays and rising legal costs. (573, Woman; Survey)

If it was more clearly defined on how to do things and what is considered to be split. (293, Woman; Survey)

Several participants commented that having **spreadsheets, templates and online forms** would make it easier to record and divide their property.

A spreadsheet that helps each person work out what they are entitled to and splits it fairly. I had such trouble making one for myself because of the 'oh, but that doesn't count' stuff from my former partner. ... I don't know how people deal with it if they can't work spreadsheets. (171, Woman; Survey)

A template or calculator for dividing up property, a network of people to connect to that have experience (but not man-haters who want you to take them for all they've got, or sneaky people giving advice on how to wriggle out of surrendering your assets). Maybe blogs of how people have managed their split (I'd contribute!). (253, Woman; Survey)

A template or a calculator where you can enter everything in and it gives you an output. I created my own using an excel spreadsheet to prove that what I was being offered was not a 50/50 split. (255, Man; Survey)

Have online forms to pre-fill in before going to a lawyer. (222, Woman; Survey)

A fair, unbiased way to look at assets/liabilities on date of separation and a legally binding declaration at the date on division. (287, Man; Survey)

Timing Issues

Several participants suggested that **timing issues** needed to be taken into account in making the property division process easier. For example, some wanted **(mandatory) time limits for claims** and **the avoidance of undue delays**.

A time limit after separation when people can claim. (227, Woman; Survey)

A time frame being enforced. (391, Woman; Survey)

A mandatory timeframe for settlement. A court-imposed risk assessment and protection for the child. Responding to the issues involved for the family members appropriately and in a timely way. (387, Woman; Survey)

Time limits to reply. My lawyer would send an email, he sometimes wouldn't reply for a month or two. This waiting time caused it to drag out for a year longer than it needed to. (552, Woman; Survey)

There being a time limit on things. His lawyer was slack at filing things too. We ended up charging her interest which I didn't know you could do. She on-charged it to him. Kind of funny! (199, Woman; Survey)

Having a way to force him to an agreement within a shorter time period. Five years was far too long. (561, Woman; Survey)

Make all involved follow 50/50 matrimonial division and get it sorted within six months. (287, Man; Survey)

Getting it done early in the separation can be beneficial in reducing stress and does not stop people from reconciling if they want to take that risk. (566, Woman; Survey)

Forcing a reply after every step my lawyer made in less than two weeks. (467, Man; Survey)

For it not to have taken 12 years because he thought I was rushing things. (459, Woman; Survey)

It took my ex 12 months to give full disclosure, 12 months to put our overseas property on the market, 9 months to agree to a sale price and 12 months to agree who had what. He pushed all the cost of agreements onto me as he could afford to wait and knew I couldn't. The system works for the person with the money. I was advised court would take at least 12 months and costs would be huge, so there was no point. There needs to be a way to stop these deliberate delays by one side which are purely financial punishment and abuse. Three and a half years of being under his financial control. (380, Woman; Survey)

Housing

The property division process would have been made easier for some participants if there had been **affordable accommodation options** or clarity about continued use of the **family home**.

Affordable accommodation options. (177, Woman; Survey)

Free access to housing. (279, Woman; Survey)

Not having to continue living in the family home together until division was sorted out. (606, Woman; Survey)

Really good advice from the beginning about my right to stay in the home. (165, Woman; Survey)

Time in the family home after separation to go through the process with adequate financial support. (264, Woman; Survey)

Financial Knowledge and Understanding

Being able to **access financial information** about assets and liabilities, or being able to rely on **disclosure by a former partner**, would have made the property division process easier for some participants.

Full financial disclosure. (557, Woman; Survey)

Being able to obtain all financial information from ex-partner in a timely manner. (558, Woman; Survey)

Having equitable access to our financial details so we could have agreed on a reasonable settlement together for the benefit of the children and not had to deal with lawyers from the start point. (179, Woman; Survey)

Likewise, **clarity around the process and the timing of property valuation** could have assisted some participants with their property division.

Clear processes for the valuation of businesses. (384, Man; Survey)

Valuing properties at the time of separation, not at the time of filing in court. (538, Woman; Survey)

Better understanding the division of **superannuation and how to withdraw funds from KiwiSaver** could also have made the process easier.

I didn't know KiwiSaver could be split and can't afford a lawyer. (293, Woman; Survey)

Not having to get a court order to access superannuation in order to halve it. (363, Man; Survey)

Information, Advice and Support

The provision of **information, advice and support** could have made the property division process easier. This would have helped people to have **greater understanding** and to **know what to expect**, and what they were entitled to.

More information about your rights and what to expect. (222, Woman; Survey)

Education about the process at the time of the split. ... I wish I had the knowledge at the start of the process that I had accumulated by the end. The lawyers deal with this stuff every day and aren't interested in educating their clients. It would have been great to have education up front to understand the process. (228, Woman; Survey)

More emotional support. More understanding of the process and what the outcomes would look like for me. (237, Woman; Survey)

Definitely having it easier to find free advice that helps those with difficult exes so you know your rights. (529, Woman; Survey)

Having a better financial understanding and having more confidence with financial decisions. (615, Woman; Survey)

Any information freely given as soon as possible by organisations approached like Shine and Women's Refuge or Police. (527, Woman; Survey)

[Knowing] what I was actually entitled to, what I should have done, what options were available. (391, Woman; Survey)

Others suggested that **support from family members, professionals and agencies** could have helped.

My family giving me support. (215, Man; Survey)

Proper legal/financial/emotional support. (430, Man; Survey)

Personal help, free of charge. A person to support me through the process who was looking out for my interests. (536, Woman; Survey)

Having someone who had experience with abuse to work alongside me. (198, Woman; Survey)

Professional help all the way. Although I would have had to borrow money to pay them. (263, Woman; Survey)

I believe there should be a formal process to partner people through this. Everyone has their own agenda, the couple and all the professionals, but no-one is over the whole thing. I would have appreciated much better guidance on what I could/should be doing and when. I was emotionally compromised. (383, Woman; Survey)

Better support from impartial services. (239, Woman; Survey)

On balance, it would have been better to go to Women's Refuge but, at the time, I was unable to act or ask for help due to the extreme behaviours. I made three suicidal gestures during the marriage. (235, Woman; Survey)

Better advice about what would be in the best interest of our three small children and a service to support their needs from the beginning. It has been very traumatic for them. I am now recovered, but the children are still dealing with the fall-out. (165, Woman; Survey)

Counselling was desired by some.

Free separation counselling. (551, Gender diverse person; Survey)

It would have been beneficial to have had counselling, but it wasn't affordable. (517, Woman; Survey)

Dispute Resolution Processes

Survey participants commented on various aspects of **the legal system, the law, the Family Court, mediation and arbitration** that could have made the division of property easier.

Reforms to the **legal system** were desired to help improve the process and outcome for parties dividing their relationship property.

Being able to have the system work to ensure the best outcome for both parties, not just the bully party. (613, Woman; Survey)

If the system actually had some balls and didn't fawn to abusive, controlling individuals. (504, Woman; Survey)

Penalties for deliberately prolonging the process – it's a way of having power and control. (417, Woman; Survey)

A variety of **amendments to the law** were proposed regarding equal sharing, contributions to the relationship, family violence, how the length of a relationship is determined, and KiwiSaver.

Better laws that recognise a party's greater contribution. (238, Woman; Survey)

Recognition that my earnings were affected post-separation. There was nothing 50/50 about contributions either pre- or post-separation. (414, Woman; Survey)

Automated 50/50 awards. (411, Woman; Survey)

The law needs to provide better for situations where one person has undertaken all the childcare and is in a financially disadvantaged position because of it. If I had been living in the UK, for example, this would have been taken into account. The law also needs to ensure that there is some sort of equitable income sharing for a limited period of time following separation so that both partners have a chance of adjusting and getting on their feet again. This is, again, all the more so when children are involved. (341, Woman; Survey)

The laws around matrimonial property should be changed, redefined and made clear cut and fair. Now they are ambiguous. Trust can be stripped of assets, other beneficiaries ruled out of their entitlements, and other laws cut across which seems so wrong. (230, Man; Survey)

Any level of domestic violence is immediately punishable by no claim on the relationship property. (398, Woman; Survey)

Removing the no-fault approach to divorce. (538, Woman; Survey)

It's ridiculous that even though KiwiSaver is part of the property settlement, the KiwiSaver law doesn't include that as a reason for withdrawal from KiwiSaver. You have to pay to get the court to tell them to pay out to your ex. (340, Man; Survey)

The problem with my case was there was a large disagreement about when the relationship started and ended as my ex lived in my house for a period of time before

the relationship started and ended. The law can say that a relationship is formal even if the couple don't live in the same house. The reform of the Act needs to change the three year rule to five years. (546, Woman; Survey)

Changes to the **Family Court** were recommended by some participants and included: timelier court proceedings; having the same judge at each hearing; stronger powers regarding non-disclosure and non-compliance; and training about family violence.

Earlier court proceedings, ex being made to attend hearings instead of not turning up and then given copious chances from the court. All very deliberate on his behalf. (598, Woman; Survey)

More objective Family Court-led resolution; not lawyer vs lawyer, the best one wins. (361, Man; Survey)

Having the same judge for the whole process. I had four different judges and am amazed how differently they all behaved and responded. I would have gone further and fought for more (my equal half) if I could rely on having a certain judge. (391, Woman; Survey)

This was clearly something that my former partner and I were not going to be able to resolve re business stuff, so it would have been good to receive a direction to go to a hearing sooner. This would have minimised both the financial and emotional harm caused to all involved, children included. (565, Woman; Survey)

Ensuring that you leave the relationship with whatever debts/assets you entered. Giving the Family Court more teeth to deal with non-disclosure/non-compliance by a party. (396, Woman; Survey)

Education for judges and lawyers about the effect domestic abuse has - including not to assume that because a man is a successful businessman and comes across as nice then he's not abusing his family at home. (299, Woman; Survey)

More training about psychological abuse and what happens to those that are controlled by it, so it's recognised and the person can be better channelled to getting help and support. I was told that having someone from Shine in court as a support person wouldn't be viewed in a good light - rather me being manipulative. I was so scared by the threats and bullying I could barely be in the same room as my ex. (540, Woman; Survey)

Some participants **wished they had filed proceedings** in the Family Court.

I should have gone to court immediately instead of trying for negotiation. (472, Woman; Survey)

I should have stuck to my guns and gone to court. One size fits all did not fit my situation. (371, Woman; Survey)

Mediation or arbitration could have made the property division process easier for some participants. Others suggested improvements to the mediation process.

Expert compulsory mediation or arbitration. (472, Woman; Survey)

Actually, sitting down in a mediated process would have been much better - we could have agreed on fair principles for dividing the property and worked swiftly from there without stonewalling. (341, Woman; Survey)

Affordable representation during mediation. Someone to act for my ex-partner so he could not sabotage the process. (197, Woman; Survey)

The acknowledgement that domestic violence affects the efficacy of mediation. ... Ensuring mediators are trained in dealing with domestic violence. Training of FDR staff around domestic violence. (419, Woman; Survey)

I think working with an arbitrator would have helped. My ex and I were not on bad terms, but the conversations we had to arrange the split were not always easy. There were no raised voices or shouting matches, but there were some areas where another person's input would have dissolved some of the tension and frustration. (367, Man; Survey)

The Outcome of the Property Division

The survey asked participants about the outcome of their relationship property division – what was decided and their views on this – including: issues that still needed to be decided; whether the outcome was consistent with a 50/50 split; what happened to the family home; the impact of children’s care and contact arrangements on the outcome; whether, and how, the settlement was formalised; their satisfaction with the outcome; and their views on the fairness of the outcome and of the concept of a ‘clean break’.

Unresolved Issues

The screening criteria for the respondents’ participation in the survey included having completed most, if not all, of their property division. Hence, 91% of the respondents had sorted everything out, with 1% having an interim/temporary decision. A small proportion (8%, $n=31$) still had some things to be decided or settled and these included:

- Tax issues.
- Division of some personal and household items.
- Division of superannuation/KiwiSaver.
- Final values of property.
- Legal costs.
- The sale of the house.
- Final payments yet to be made.
- One party defaulting on payments.
- The division of investments yet to reach maturity.
- Division of livestock.
- Division of money intended for children (e.g., for their education).
- Money left in property.
- Division of proceeds from sale of land.
- Fraudulent filings.
- Debt recovery.

Reasons for a Departure From Equal Sharing

Of those participants ($n=372$)²⁶ who knew, most (69%) reported that their relationship property division was fully (37%) or partially (33%)²⁷ consistent with the equal sharing law. Nearly a third (30%) indicated that it was not. The reasons given for a departure from a 50/50 split included: that the equal sharing law did not apply; the parties agreed to the deviation; a desire to just get the matter resolved; coercion or lack of choice; and the other party’s dishonesty or deception.

²⁶ Six participants either did not know or could not remember.

²⁷ These figures add to 70% not 69% due to rounding.

The Equal Sharing Law Did Not Apply

For some participants the **equal sharing law did not apply because the duration of the relationship had been less than three years** or the **couple had not lived together**.

We had not lived together for three years or married. I left with most of the debt in my name, he kept most of the assets. (183, Woman; Survey)

We had been together less than three years. I was bought out of the jointly owned section, but at much less than half of all the assets. (389, Woman; Survey)

Agreement Between the Parties

Some participants had agreed to divide their property in an unequal way. Sometimes this was **agreed in advance or they had a contracting out agreement**. Some noted that their joint agreement recognised disparity in incomes and/or their financial and property contributions to the relationship. Making **provision for disparity in income and/or giving consideration to the needs of the parent with the day-to-day care, or support, of children** was also sometimes agreed to by the parties.

Because that's what my ex and I agreed to. This was our own choice for our own reasons and we're both happy with the decisions. (572, Woman; Survey)

We had previously agreed on an uneven split given the disproportionate amounts each had initially contributed. (242, Man; Survey)

Prenup covered it. I brought in many significant assets and my ex-wife brought in none. (474, Man; Survey)

I had contributed far more at the outset of the relationship and it was agreed privately that he would accept a lump-sum cash payment. (406, Woman; Survey)

Due to mutual agreement based on our likely positions after the separation it was agreed my partner would have most of the household goods and the vehicle. (214, Man; Survey)

Because my former partner earned at a high threshold, there was much equity disparity. We also took into account the welfare of the children. (175, Woman; Survey)

Several participants said they, or their former partner, **decided not to pursue a completely 50/50 split even if they were entitled to it**. This was often with respect to KiwiSaver or household possessions. Some of these decisions reflected a desire to help their former partner and their children financially.

I decided he could keep his KiwiSaver so he could afford a deposit for another house to provide stability for our daughter when she was in his care. (501, Woman; Survey)

He declined to take half of the household effects. (338, Woman; Survey)

My ex-husband asked for the division of assets to reflect the higher amount I had paid in and the higher amount of work I had undertaken to run the farm, manage the livestock and pets while working full-time. (479, Woman; Survey)

She needed more to purchase a home and continue having the children at home. Fighting it in court would not have saved me much if anything. (357, Man; Survey)

I believed my ex-partner was less able to manage financially than I was following our separation and was prepared to make allowances for this in the settlement. (167, Man; Survey)

We agreed to keep what was in our own names. My husband had a lot of money in a trust which I did not go after. (324, Woman; Survey)

I accepted slightly less (60/40) as my former partner had a son who required greater help. I let the money go to resolve the separation and move on. (452, Man; Survey)

Many of the assets were inherited from his mother and although, legally, I was entitled, it didn't feel right. (213, Woman; Survey)

He gave it all to me. (200, Woman; Survey)

For others, it was a **needs-based decision**, for instance, splitting household items, such as furniture, on the basis of who needed or did not need particular items, or who the children lived with.

My ex-partner moved in with his new partner (with my blessing), so I kept/he gave me the car. I kept most of the household assets like furniture etc. as he didn't need much. (170, Woman; Survey)

I feel that I kept more of the household items, but my ex-partner was okay with this as he was not intending to buy a house and didn't need them. (448, Woman; Survey)

He took the workshop. I took house items, except a few, as kids lived predominantly with me. (394, Woman; Survey)

Ex stayed in family home with children and retained majority of household items. (265, Woman; Survey)

My partner left me in a rental with all household effects and moved in with a new partner. He didn't ask for anything. (280, Woman; Survey)

Personal chattels, such as furniture, were left with my ex as I moved city. (225, Woman; Survey)

I wanted to leave all property with kids' mum so the house was as normal as possible during our separation. (201, Man; Survey)

Desire to Reach Resolution

Some participants reported that while they knew the property split was not even (and/or fair), they had **accepted the division in order to resolve the matter, stop the conflict and/or get away from their former partner**. There was a sense they were sacrificing what they were entitled to receive in order to settle, and some acknowledged they had just “given up”.

Because I paid her off to get rid of the nastiness of the situation. (156, Woman; Survey)

Just wanted to get out and away ASAP. (217, Woman; Survey)

I gave up the arguing. I didn't receive any chattels or compensation for them even though I was still paying them off. (593, Woman; Survey)

*I gave him a bit more to make him shut the f**k up. (247, Woman; Survey)*

I considered it a good idea just to be free from his control and bullying. (549, Woman; Survey)

I walked away from the fight so to speak. Ex-partner wouldn't communicate and hid information and assets from me. (592, Woman; Survey)

I agreed to household assets being undervalued as I just wanted the process over and I left with almost nothing from the house. (513, Woman; Survey)

I was keen to get away from my ex and was short on funds and so accepted the arrangement put forward by my ex-partner. (228, Woman; Survey)

I wanted a quick resolution, so I agreed to take a lesser share. (213, Woman; Survey)

Some participants decided to settle due to their **inability to afford legal costs** and/or a **lack of desire to pursue the matter via the courts**.

I couldn't afford lawyers, so he kept everything. (292, Woman; Survey)

Cheaper to pay up than keep playing her legal, gaslighting, abusive game. (287, Man; Survey)

I gave up as it was impossible without going through the court system. (189, Woman; Survey)

Ex-partner wanted more, and had more money to fight for more. I had to give in. (619, Woman; Survey)

I was made aware it would take a lot of time and money to haul it through the Family Court, hence I gave in as I wanted no more to do with him. Plus I was dealing with the Police and criminal system and totally stressed/washed out. (185, Woman; Survey)

Coercion or Lack of Choice

Some participants reported not having a lot of choice about their property division settlement. They felt **coerced, bullied or pressured into accepting an unequal division**; others said they were threatened or manipulated by their former partners. In some instances, particularly for those who had been in controlling or abusive relationships, the participant's former partner had unilaterally decided on their property division. Others did not know what they were entitled to and/or felt unable to claim what they were entitled to.

Because I didn't know my rights and couldn't stand up for myself. (198, Woman; Survey)

Because he wanted more than half and threatened to move back in and market the joint property himself. (571, Woman; Survey)

He manipulated and blackmailed me until I gave up the money. Also, it became too expensive to continue. (407, Woman; Survey)

Feel unable to get what I am owed from my partner. (240, Woman; Survey)

Because he wouldn't let me in the house, Police involved, he was arrested. Wasn't worth the stress. (594, Woman; Survey)

I had to buy him out of the furniture because he refused to take it, but insisted on financial compensation and withheld resolution until I agreed. (316, Woman; Survey)

He took more than half of the value of the family home because he bullied me into a corner. My only hope of having a home for the children was to pay him more than it was worth i.e., the cost of going to court to get half, or more than the half that I was entitled to, was over \$40,000, which I had no way of raising. (203, Woman; Survey)

It was not divided equally because I was forced by the lawyers who wanted to be paid quickly to sign a final agreement which ended the court procedure. It was not fair, but I had to sign it otherwise the lawyers were threatening to ask me [for] more money. I could pay until I die. (409, Woman; Survey)

We had no major assets. It was easier to work through the process without calculating the value of everything. I feared asking for a different process because of potential abuse. (551, Gender diverse person; Survey)

Due to the volatile nature of our relationship and the power and control my ex had over the situation. (385, Woman; Survey)

I felt pressured and stressed and had psychological issues. (430, Man; Survey)

He got 50/50 of the sale of our house because I was tired of fighting him. But he had sold everything of value and kept the proceeds. Left me with substantial debt, as well as left me to finance and complete a renovation, and do all the legwork for selling a house etc. But I was so tired of being let down because 'it's a civil matter' or 'maybe you were just toxic together'. I felt so under-supported that I just gave up and gave in to his demands. Even now, four years later, he still refuses to sign the divorce papers, or tell me where he is to serve him, so we are still married, and I am still at his mercy. (192, Woman; Survey)

Former Partner's Dishonesty or Deception

An unequal division occurred for some participants due to their former partner's non-disclosure about assets and/or their value, their claim that some assets were personal or separate from the relationship property, and their under- or over-valuing of some assets.

Non-disclosure of value of unlisted shares. (159, Woman; Survey)

He valued an asset untruthfully. I trusted him on this. I believe he lied. (271, Woman; Survey)

My ex used friends/contacts to get items valued in his favour. (256, Woman; Survey)

My ex-partner was able to arrange aspects of his finances and assets so that the division was in his favour and not completely equal. (211, Woman; Survey)

There wasn't full disclosure from the controlling party. ... There could have been a hidden trust, but he did not do a full financial disclosure. (504, Woman; Survey)

My ex was able to create fake debts to family members and laid claim to many things and got away with it. I think it was because she is a very difficult person to deal with, over-complicates everything and overwhelms the system to create confusion (smoke and mirrors). Time was not spent by the courts really looking into things. It got so messy and complicated and were often put under immense pressure to agree to things that weren't sound or correct or given a real opportunity to figure out what had been missed or looked over. Because of this, her share was far greater. (466, Man; Survey)

My ex-partner set up numerous businesses and unsold and resold our business assets to his new business partner - a complicated trail I could not afford to pursue. (203, Woman; Survey)

Hidden bank accounts I was aware of, but couldn't prove. (561, Woman; Survey)

Ex had stolen monies via mortgage fraud to raise relationship debt whilst he had control over the hidden assets. (412, Woman; Survey)

In other situations, former partners (or their family members) had simply **taken property** and the participants were unable to reclaim it or include it in the division, and/or did not know it was relationship property they were entitled to.

My ex took a lot of things from the house that he wasn't entitled to. He also took our dog. But I did not have any legal recourse at the time. (115, Woman; Survey)

Valuable items were removed by partner. (516, Woman; Survey)

He took everything that he wanted and it was difficult to get a proper valuation. (489, Woman; Survey)

My ex-husband doled out what he thought I should have and kept much of my personal property and valuable items. He also insisted I sell any jewellery he gave me and give him the money, which I didn't do. (567, Woman; Survey)

His two sons arrived, taking this and that. I was so down, I couldn't see what was going off the property. (327, Woman; Survey)

Ex had already taken and sold all of my possessions plus brand new vehicles etc. and it was deemed unrealistic to get much of a financial share of these things back as the money was already gone. (598, Woman; Survey)

He also took what he wanted at the beginning of separation (the expensive digital things) without agreement and broke into my space to do this when he knew I was away. (125, Woman; Survey)

Because he arrived one day and took the car. The joint bank account was emptied the morning after I said I wanted to end the relationship. I decided to leave with enough to get myself and the children set up with and that was enough. (507, Woman; Survey)

I was unable to access my items as he immediately locked me out of everything. (621, Woman; Survey)

None of our assets, other than our house and car, were taken into account. I did not get any of the property within the house, nor was it included in the valuations, but I did not know it counted, or that it should have been. (279, Woman; Survey)

Varying Approaches to Equal Sharing

In participants' comments about why their property division was inconsistent with a 50/50 split, a clear difference emerged in the way they and their former partner divided their property. Two different 'camps' emerged: i) those who departed from a 50/50 split based on the needs of both parties and/or mutual agreement and/or due consideration of contributions, assets and debts both prior to, and during, the relationship; and ii) those whose departure from equal sharing was often unilateral, conflictual, and perceived as unfair.

How couples dealt with personal or separate property illustrates these variations. Some, in the first camp, mutually agreed that **personal assets and debts** were not relationship property.

We each agreed to leave the relationship with our own personal assets and debts in terms of credit cards/KiwiSaver/student loans, and split physical items as was practical for both of us. (238, Woman; Survey)

We agreed to be responsible for our individual debt, and joint debt was treated as such. (541, Woman; Survey)

We agreed to keep some of our own things ... shares, KiwiSaver ... and not divide them. He probably was better off due to this. (615, Woman; Survey)

Assets and debts brought into the relationship were sometimes kept separate.

Because I had assets at the start of the relationship and he only had debt. (440, Woman; Survey)

Property owned before the relationship was deemed to belong to the person who owned it. (388, Woman; Survey)

Prenup said I got my equity out first. (353, Woman; Survey)

We each took what we came into the relationship with. (371, Woman; Survey)

For others, an uneven split was due to **unequal contributions**.

As I put more money into the relationship, I took a larger share. (168, Woman; Survey)

She got 40%. She had a minimal wage job, while I was a high earner. She did not pay for anything during the relationship and I paid her student [loan] and her parents' house mortgage. She did not do more housework. She verbally agreed to 20/80%, then a lawyer got involved and ended up with 40/60. (467, Man; Survey)

Because of a contracting out agreement protecting my substantially larger input to the purchase of the family home. He didn't contribute anything either to the purchase or to the mortgage payments. (229, Woman; Survey)

I earned a greater amount and bought more furniture and household items. This was agreed to be mine on separation. (629, Woman; Survey)

We earned different levels of income and had not blended our finances, so divided property on an income basis. (622, Woman; Survey)

The separation of the property reflected the requirement to divide property evenly, but also recognised that I had brought a lot more into the relationship. (433, Man; Survey)

In contrast, other participants were **unhappy that debts were not shared equally** and that they had been left with liabilities they believed were relationship property that should have been shared.

Unequal division, I was left with debt on the basis that I was the higher income earner. (449, Woman; Survey)

There were things I let him take over and above what we had agreed (couch, camera etc.). I think it was a bit of a grey area as to whether debt - for things that were his 100% (electric guitars, computers that he wouldn't let me touch, let alone use) - should have been relationship debt. (253, Woman; Survey)

All relationship debt, utilities etc. were all in my name, so legally I had to pay everything. (544, Woman; Survey)

The following two quotes, aptly highlight the difference between the two approaches.

One of us doesn't sew and the other does not 'play with gardening equipment'! The reason I say this is there was a huge discrepancy in the values of our individual hobbies – against me. However, it was, in my mind totally unreasonable for either of us to liquidate our hobby equipment. After all, we had had more than 40 years married, and we did both respect each other enough to accept this situation, hence a disparity in the division of chattels. (336, Man; Survey)

He was wanting e.g., 50/50 of the value of my sewing machine. Heck, yes, it legally is marital property, but I'd consider it a personal belonging if the other party can't or has never used it!! I'm still really angry and it's been two years. (333, Woman; Survey)

The Family Home

Survey respondents were asked who (if anyone) remained living in the **family home** immediately after the separation (see Table 41).

Table 41: Immediately after the separation who (if anyone) remained living in the family home?

	N=377	%
Me	176	46.7%
My former partner	134	35.5%
Neither me nor my former partner	44	11.6%
Both me and my former partner	23	6.1%
Some or all of the children*	121	32.1%

Multiple selection was possible.

*Not all participants had children living with them at the time of the separation.

Just under half (47%) of the respondents remained in the family home after the separation while their former partner moved out, and 36% moved out while their former partner remained. In only 12% of cases, both parties moved out of the family home and, in 6%, both parties remained immediately after the separation. Overall, 53% ($n=199$) of the respondents remained in the family home and 42% ($n=157$) reported that their former partner had remained. A small number (6%) reported neither party moving out initially.

After the decision to separate he refused to leave the house while it was being sold, so we lived separately together for four long months. (178, Woman; Survey)

My spouse ... suggest[ed] separation, but lived in the same house, primarily to save aging parents from disruption. (122, Man; Survey)

Waiting on partner to decide whether to sell or buy me out. He took three months to decide, so held up my departure which was most uncomfortable for me as we were still living in the same house. (599, Woman; Survey)

While, overall, nearly a third (33%) reported that some or all of the children remained living in the family home after the separation, not all the participants had children or had children living in the family home. Further analysis revealed that, for those respondents who had children aged under 18 living in the family home at the time of separation ($n=238$), 47% reported that some or all of these children remained living in the home. For those who had adult children living in the family home ($n=51$), 37% reported that some or all of those children remained there immediately after the separation.

Table 42 presents what happened to the family home in the property division. As shown, in just over a third (36%) of the participants' situations the family home was sold, with the most common scenario being one party buying out the other (56%).

Table 42: What happened with the family home?

	<i>n</i>	%
The family home is being, or was, sold	122	35.7%
I kept the family home or bought my former partner out	109	31.9%
My former partner kept the family home or bought me out	82	24.0%
We kept joint ownership of the family home	3	0.9%
The family home is held in a trust	16	4.7%
We are still in the process of sorting out the family home	7	2.0%
Other	3	0.9%
Total	342	100%

The survey respondents who indicated that their home was sold were asked why. The most frequent reason they gave for the sale of their family home related to **affordability** - either they, or their former partner, could not afford to buy the other out or pay the mortgage.

I had primary care of the children. I was working part-time and studying full-time and could not afford the mortgage repayments. (351, Woman; Survey)

There was no way I could have paid the mortgage on it or bought out my ex-husband's share. (448, Woman; Survey)

My ex-partner did not want it and I had no income, so could not afford to keep it. (211, Woman; Survey)

Because my former partner wanted his share of the money and I did not have the means to buy him out. (314, Woman; Survey)

My ex did not want a mortgage over it. I couldn't afford to buy him out. He didn't want to pay / get a mortgage to buy me out. (345, Woman; Survey)

Neither of us could carry on paying the mortgage repayments, and neither could buy the other out. (246, Woman; Survey)

I could not service the mortgage as a single income family with two dependents. (418, Woman; Survey)

In some situation the family home was sold because **neither party wanted to remain** in the home and/or **both parties wanted it sold**.

Neither of us wanted to continue living there. (346, Woman; Survey)

We both wanted the money out of it. (359, Woman; Survey)

Sometimes it was only the **former partner who wanted to sell** the family home or **insisted upon its sale**.

Ex-partner wanted the equity. (469, Man; Survey)

Former partner forced sale. (307, Woman; Survey)

He refused to let me buy him out. I had been approved by the bank. (594, Woman; Survey)

He would not agree to me buying it. (277, Woman; Survey)

He did not want me to remain there with the kids, so demanded his half of the money out of the house. (571, Woman; Survey)

I wanted to buy her out of the house ... She wouldn't let me and insisted on a very under-valued settlement just to get me and our children out of the house. (466, Man; Survey)

Other former couples sold the family home in order to **release and split the equity as part of the property division process** and/or to move on from the relationship.

So the value could be divided equally. (225, Woman; Survey)

To split the equity in it 50/50. Neither of us were in a position to buy it off the other. (232, Woman; Survey)

To release the money so we could divide it as agreed. (357, Man; Survey)

Wanted clear cut from one another. (598, Woman; Survey)

To provide money for us to live separately. (266, Woman; Survey)

The sale of the family home could enable each partner to **purchase their own new home**.

So we could both buy equal size homes. (276, Woman; Survey)

To enable us both to purchase new properties on our own. (166, Woman; Survey)

We each needed funds to go on with our lives and purchase properties individually. All the children had grown up and left home. (422, Woman; Survey)

Sometimes, one, or both, former partners sold the family home because they wanted to **move/relocate**.

I wanted my half so I could start over in another location. (519, Woman; Survey)

Moving towns, fresh start. (492, Woman; Survey)

Both of us moved away from the area. (611, Woman; Survey)

I had to get out of the area as quickly as possible. I had moved there to be with my ex in a different part of the country. I went back closer to family and friends. (185, Woman; Survey)

The family home was sometimes sold because **it was too large for a person's post-separation needs**.

It was too big for my needs on my own. Selling it allowed me to buy my own place and for us to pay off all and any remaining joint debts. (170, Woman; Survey)

I didn't want to live in it or pay him for it as it was utterly unsuitable for a single professional, and he disappeared to another town. (169, Woman; Survey)

Safety issues could also be part of the reason why a family home was sold.

Rural property, unsafe for me to live in due to violence risk and he couldn't afford the mortgage. (417, Woman; Survey)

Two reasons: I wanted to keep it, but the financial challenge would have been a struggle. The main reason was, if I held onto it, the abuse that would have continued as the property increased in value would have been intense. (540, Woman; Survey)

Impact of Children's Care and Contact Arrangements on the Outcome

As outlined earlier, some participants indicated that they and their former partner did not split their property equally so as to better provide for the parent their children were living with. The survey asked about the degree to which care and contact arrangements for children affected the outcome of the property division (see Table 43).

Table 43: How much did children's care and contact arrangements affect the outcome of your property division?

	<i>n</i>	%
Not at all	160	60.8%
A little	45	17.1%
A fair amount	26	9.9%
A lot	32	12.2%
Total	263	100%

N.B. Two of the 265 participants who had children with their former partner skipped the question, hence $n=263$.

As shown, for the majority (61%) of the participants who had children with their former partner, children's care and contact arrangements did not impact on the property settlement. Only around a fifth (22%) reported that these arrangements affected the outcome of their property division 'a fair amount' or 'a lot'.

Where the children's care and contact arrangements did affect the property division outcome, this was evident in several ways, including having an impact on the **occupancy or sale of the family home**. Most commonly, one parent and the children stayed longer, or remained living permanently, in the family home.

My ex agreed that by one of us keeping the family home, rather than selling it, our children could stay at the same school and this would allow some continuity for them. (177, Woman; Survey)

Made it a stronger case for me to retain the home as it's the family home. (383, Woman; Survey)

I'm currently the sole parent looking after our child and, as my partner has been unable to work since well before we formally separated, she cannot make any financial

contribution. Our separation was 50/50 except for a sum of money I'd inherited prior to our relationship that we agreed would be kept in trust for our child, against the property, and this allowed me to afford to stay in it. (224, Man; Survey)

Because I have the children for most of the year, we both agreed they should be in a home they know and are comfortable in. As long as I could secure a job, to secure the mortgage, we agreed I would keep the family home, and he would keep the bach. (175, Woman; Survey)

It was in the children's best interests that I keep the family home and they remain living in it, especially given its proximity to school etc. (451, Woman; Survey)

I had the children and we lived very remotely, so we decided that I would keep the house in order to provide for the kids. (262, Man; Survey)

He kept the family home because I knew he'd struggle to create a home in another house. (349, Woman; Survey)

Parental desire to **provide security for their children and enhance their wellbeing** through their post-separation care arrangements was also evident. Providing a familiar, settled or conveniently located home and avoiding or minimising disruption to the children was important.

We wanted her to have a secure place to call home. (279, Woman; Survey)

We both wanted the kids' lives to stay mostly the same. (338, Woman; Survey)

We wanted to make sure both of us ended up somewhere appropriate to look after our child. (433, Man; Survey)

We tried to ensure that our son had as little disruption to his day-to-day life as possible. (448, Woman; Survey)

My ex wanted to be sure that I wasn't ever struggling with anything as that would affect my ability to parent to the best of my capability. He was, and continues to be, very supportive of me, both financially and emotionally. (170, Woman; Survey)

Easier to have two separate homes somewhat close. (493, Woman; Survey)

Wanted to be closer to my child's school and friends. (609, Woman; Survey)

This was the priority to resolve and the finances was secondary. (259, Man; Survey)

I wanted to make sure that our son has access to both his parents. (483, Man; Survey)

Sometimes the parent with the primary care of the children **obtained a larger share of the property division**.

I needed to find a place where both children could live with me, so I received more than 50%. (269, Woman; Survey)

He agreed to a lower value on the house so that I could afford to keep it for me and our child to live in. (403, Woman; Survey)

However, other participants were unhappy that this was not a consideration in their property division.

I have 100% care of our daughter. She only sees her dad every second weekend. I believe this should have been more apparent in the property division. (264, Woman; Survey)

Other times, **trade-offs occurred** whereby one parent accepted less than they were entitled to in exchange for a preferred outcome elsewhere.

I didn't get child support, but got the house for cheaper. (285, Woman; Survey)

Safety of children over assets was more important. (544, Woman; Survey)

Former partner knew that settled and balanced care for the children was important to me and he was unable to provide it, so he leveraged financial options against care arrangements. (490, Woman; Survey)

The children's care arrangements and the property division were sometimes subject to **pressure, demands or threats** in order for one parent to leverage an advantage.

As these were not sorted out yet and I had to try and create/maintain an ability to negotiate with my former partner for that, I gave in to more of his demands than I considered equitable. (182, Woman; Survey)

Pressure to resolve relationship property settlement on ex-partner's terms to gain agreement on childcare arrangements. (554, Woman; Survey)

Non-agreement to terms meant ex would go to the Family Court for custody. Power play. (588, Woman; Survey)

They were used as a threat by my ex during the process. After three years or so, I became less scared. (419, Woman; Survey)

My ex wasn't happy that his teenage sons didn't like having contact with him. He told me that was why he was going to fight every inch of the way over the property settlement. (315, Woman; Survey)

Ex-husband would use the children, and taking them as a threat, if I didn't just walk away with nothing. When I left, I was allowed the clothes we owned, a bed each for the children and a few personal items. No furniture etc. (147, Woman; Survey)

It created an acrimonious context for discussing property division and an inability to act with the best interests of the children in mind. It also created pressure to resolve the property division so that the children and I had money to live off and our chattels to use. (341, Woman; Survey)

Care and contact arrangements could also affect the way the **children’s belongings and furniture**, or the **household goods**, were distributed between the parents in the property division. Most commonly, the children’s items, and sometimes the household goods, went with the parent with whom the children were mostly living.

All their belongings came to my new residence. (532, Woman; Survey)

I wanted the kids to have their things around them so there’d be less effect on them. (201, Man; Survey)

I got all the children’s furniture from their bedrooms as they were living with me. (248, Woman; Survey)

The decision to sell was based on their care, and most of the household goods remained in my ownership as the children were with me. (351, Woman; Survey)

I needed to make sure he had everything he needed to look after our daughter e.g., all of her furniture etc. knowing he likely would not provide this if I took anything. (501, Woman; Survey)

Formalisation of the Property Division

Participants were also asked, whether and how, their property settlement was formalised (see Table 44).

Table 44: Was your property division settlement formalised in any way?

	<i>n</i>	%
No	31	8.3%
Yes – in an informal agreement (e.g., verbal agreement or understanding)	33	8.8%
Yes – in a written agreement	29	7.8%
Yes – in a written agreement, certified by a lawyer	247	66.2%
Yes – in a Family Court Relationship Property Order	31	8.3%
Yes – in an order from a higher court (e.g., High Court, Court of Appeal)	1	0.3%
Other	1	0.3%
Total	373	100%

N.B. Four participants could not remember or did not know and one skipped the question, hence $n=373$.

Three-quarters of the participants had had their property division settlement formalised in some way, mostly by a written agreement certified by a lawyer (66%) or in a court order

(9%). The remaining quarter had not formalised their agreement – 17% had an informal verbal or written agreement and 8% had not formalised their settlement in any way.

Some participants described how they had **delayed formalising their property division**, and did so only when one party wished to buy a new property or transfer a mortgage into their name. For some, involving lawyers as required, complicated what had been a straightforward and amicable agreement.

We formalised our agreement 18 months later using lawyers as my ex-partner required it for purchasing another property. (351, Woman; Survey)

Only formalised because the bank insisted on a formal separation agreement in order for me to legally take over the mortgage and put the house in my name after paying all house expenses and mortgage for many years on my own. Had to pay two lots of legal fees to produce a document the bank would accept, with lawyers trying their best to face each other off against each other, despite our very clear wishes and agreement about the property split. (442, Woman; Survey)

Other participants described how the **lack of a formalised agreement was problematic** with one party reneging on agreements or coming back later to make a claim.

I gave some money at the end of the relationship to support her and get her into a new place (i.e., bond) on the verbal condition it would be paid back along with the past debt repayments I had made. We did not really formalise this agreement beyond a few text messages. She made about 20% of the payments before deciding it was too hard and then stopping. (296, Man, Survey)

We split up eight years prior to me being hit with the Property (Relationships) Act! ... They owned a house, I owned two. We agreed we wouldn't touch each other's. ... When we split up, we agreed 'what's yours is yours and mine is mine' and nothing was purchased jointly. It wasn't until [eight years later] that I was hit by them claiming half my assets, and told by three lawyers I didn't have a leg to stand on. ... They all just said 'it's the law, so best to make a deal'. (320, Woman; Survey)

Perceptions of Satisfaction and Fairness With the Outcome

Participants were asked to rate how satisfied they were with the outcome of their property division, and with how fair it was for them, at the time it was finalised and also at the time they completed the survey (see Tables 45 and 46).

Table 45: How satisfied were you with the outcome at the time your property division was finalised/now?

	At time division finalised (n=374)	At time survey completed (n=376)
Very dissatisfied	15.2%	11.7%
Dissatisfied	17.9%	20.5%
Neither satisfied nor dissatisfied	23.5%	24.5%
Satisfied	32.4%	32.4%
Very satisfied	11.0%	10.9%

Table 46: At the time/now how fair did you think the property division was for you?

	At time division finalised (n=375)	At time survey completed (n=377)
Very unfair	17.7%	15.6%
Unfair	27.7%	28.9%
Neither fair nor unfair	14.9%	16.2%
Fair	28.0%	28.1%
Very fair	11.5%	11.1%

As shown in Tables 45 and 46, participants' ratings of satisfaction with, and fairness of, the outcome remained fairly stable over time. An analysis of the direction of any changes in ratings revealed that the majority of participants' ratings of satisfaction and fairness did not change at all (71% and 63% respectively). Only 1% of participants changed their ratings from satisfied/very satisfied to dissatisfied/very dissatisfied, or vice versa, while no participants' ratings of the fairness of the outcome changed from unfair/very unfair to fair/very fair, or vice versa, over time.

Those participants who rated their property settlement at the time it was finalised as unfair or very unfair (n=171) were asked to indicate why they accepted a settlement they did not think was fair. Their responses are presented in Table 47.

Table 47: Why did you accept the property settlement if you did not think it was fair?

	<i>n</i>	%
A judge decided, so I had no choice but to accept it	8	4.7%
My lawyer advised me to accept	62	36.3%
I wanted to avoid going to court	56	32.7%
I felt pressured	82	48.0%
I thought I had no choice	63	36.8%
I just wanted to get things sorted out	128	74.9%
I felt guilty	14	8.2%
I had safety concerns	44	25.7%
I made a trade-off/sacrifice	83	48.5%
Other	11	6.4%

N.B. Multiple selection was possible, hence percentages sum is greater than 100%.

Of the 11 participants who selected '**Other**', nine specified their reason for accepting what they believed to be an unfair settlement. Five participants cited **financial reasons**, either needing the money from the settlement or finding the cost of continuing to reach a settlement too expensive.

I had written off my car and was in desperate need to replace it for children and work. Also, I was over the constant communication with him. (261, Woman; Survey)

Because I am old and I cannot continue working to pay for the massive debt. (398, Woman; Survey)

I was going to be financially better off once the agreement was done due to debts being swept into a new mortgage, reducing my weekly costs. It was imperative that I accepted an agreement as soon as possible. (451; Woman; Survey)

Three others thought it was the **relationship property law** and the 50/50 split that had made their settlement unfair.

Legally it was acceptable, but morally wrong. (443, Woman; Survey)

I think it was the best I could do at the time. So, it was fair enough according to the NZ property law. (566, Woman; Survey)

Another cited **health concerns**.

My health and mental health were suffering immensely as my lawyer had drawn the process out over two years of unnecessary delay before anything was even filed at the Family Court. I had little support from anyone else. (209, Woman; Survey)

As shown in Table 47, the most common reason given by three-quarters of the participants for why they accepted what they believed to be an unfair settlement was that they just

wanted to get the matter sorted out. This was also a common reason for why people accepted a settlement that departed from a 50/50 split. Nearly half of those thinking their settlement was unfair had felt pressured to accept it (48%) or made a trade-off or sacrifice (49%). Over a third of the participants thought they had no choice (37%) and/or followed their lawyer's advice to accept the settlement (36%), with a third settling in order to avoid going to court (33%). Over a quarter (26%) settled due to safety concerns.

Participants' Reasons for their Ratings of Satisfaction and Fairness

Having rated their satisfaction with, and fairness of, the outcome (see Tables 45 and 46), survey participants were then able to **explain their reasons** for i) how satisfied they were **at the time** of dividing their property and/or how fair they thought the property settlement was; and ii) how satisfied they are **now** (at the time of completing the survey) and how fair they now think the property settlement was.

This section of the report sets out the reasons that participants gave for their ratings and is anchored off their initial satisfaction rating, starting with those who were **very dissatisfied** and followed by those who were **dissatisfied, neither satisfied nor dissatisfied, satisfied or very satisfied**. This approach is justified because, as explained earlier, the ratings of satisfaction with, and fairness of, the outcome remained fairly stable over time. Most participants' ratings did not change at all and this was also evident in the open text explanations they provided for their reasons for their ratings of satisfaction and fairness at the time they divided their property and now. The participants' quotes over these two different time-periods are therefore reported together, albeit separated by ellipses and, where relevant, by the insertion of the word '[Now]' to indicate their response for each time-point.

Only a few participants changed their ratings from dissatisfied/very dissatisfied to satisfied/very satisfied or vice versa across the two time periods. Their reasons for the shift in their perceptions, in either negative or positive directions, are set out towards the end of this section (see **Participants whose perceptions of satisfaction and fairness changed over time**).

The section concludes with a **summary of the findings** relating to the ratings for satisfaction and fairness at the time the participants' divided their property, or now, and how fair they thought the property settlement was then and now.

Very dissatisfied

Survey participants who said they were **very dissatisfied** at the time of dividing their property, and now, and thought their property settlement was **very** unfair, most commonly perceived that **the property settlement had worked very unfairly for them** because of unequal contributions during the relationship; an unequal division of the property; imbalance in earning ability and financial security going forward; or because of **sacrifices or trade-offs** made.

I owned my house before my partner moved in. She made next to no financial contributions, apart from a smaller share of groceries, despite working. On balance, I probably did slightly more household chores. The children were pretty much grown up. Yet she took 50%, leaving me unable to buy another house. I had to rent for the first time in 30 years. ... [Now] I am pleased I have nothing to do with my ex, I have moved on, but I am still bitter about a 50/50 division when all the assets that were divided were mine. (205, Man; Survey)

I came out with virtually nothing and there appeared to be nothing I could do about it. I had to leave [with nothing] and only received what my ex decided to give me, which was not much. Also, what he did give me, he damaged first. ... [Now] I am still waiting to get my share of the money and I think I will end up back in court to get it, even though there is a court order. (354, Woman; Survey)

Unfair I contributed through family inheritance 100% of cash used to secure mortgages to try and get ahead. (Unhappy with law, as I owned/contributed 100% of the trust assets, and had to forgive 1/3 of this for settlement.) ... Most of our success was due to my family connections and inheritance. Ex denied any life gains were due to this massive set up. I contributed through my inheritance massively and this was eroded. (265, Woman; Survey)

I should have had fair child support from day one and retained my income until I was able to establish myself in another career after dedicating 20 years to our business. If he is able to buy himself a house, then we should have been able to as well. (408, Woman; Survey)

He got far more than his share and I got stuck with his debt. I had full care of three children which affected my ability to earn, but no recognition of this. I had never used the credit card and didn't have one, but got half that debt. ... [Now] I got shafted by a selfish and unscrupulous prick. I got a rundown house. ... He has ruined my life financially and this has stressed me terribly and affected the children as we have scraped and scrimped. ... I still feel sick thinking about the position ex put me and the children in. 50/50 it wasn't. Why was I liable for debt he incurred, while he had no responsibility for the costs? I paid everything. I alone paid for the increased value of the house, but he gained by it. I had three children to house, while he had to only pay rent for one room. (221, Woman; Survey)

I wanted my personal property and items. I didn't want to carry his debt. I was left in a very precarious financial position which he engineered. (567, Woman; Survey)

He got everything I had worked so hard for. ... He got the contents, car, my clothes and the bank account and I got the bills he didn't pay. ... [Now] I paid for everything. (577, Woman; Survey)

I was totally left with nothing apart from my children and had to buy everything from scratch, even though when I met my husband I owned a home and everything in it. ... [Now] I will never own a home again, I have no Super, I will be bankrupt. Ex-husband

has purchased a home, has new vehicles, cash in the bank and a great [employer] Super. Positive for me is I have a close relationship with my children and he doesn't. (584, Woman; Survey)

I felt bullied by the system and I felt that if I let it go on for much longer my ex would make sure there was more and more debt. The whole time I was going through the settlement process he was spending trust money on things he didn't need, like for his girlfriend! ... [Now] It was never fair because the family trust meant he had all the control and he created all the debt. I worked for years in the business for what, I feel, was nothing. I consider my settlement a pittance for the misery that I lived through with him. (123, Woman; Survey)

Paying money for somebody who never paid for anything, nor earned really anything, is stealing in my opinion. (467, Man; Survey)

The value has increased substantially and he has delayed the process for this reason. I have allowed delays to be able to pay legal bills by saving. ... [Now] The delays meant I will take on up to \$100k more debt than initially anticipated. (538, Woman; Survey)

The house was put in his name because he could afford the mortgage and because I sacrificed to help him in his career so that he could earn more. I paid the house deposit and had my parents guaranteed the loan. I got nothing. ... [Now] I know a lot more about the process now and can see how unfair it was. I never had a chance back then. (198, Woman; Survey)

Participants who experienced **threats, pressure, deception, wrongful conduct or violence by their former partner** said this was a reason why they were very dissatisfied and found the property settlement to be very unfair.

I was threatened with a mortgagee sale if I did not settle. ... There was pressure from his family and shared personal bankers - discussions I was excluded from. There was a significant power imbalance. ... [Now] So, I signed an agreement under duress and against legal advice as I was so stressed. ... The settlement did not acknowledge the inequity in incomes by my being the primary parent or the current financial situation that would allow our children to have a less affected life by the situation. (165, Woman; Survey)

My ex wore me down with his antics and lies. (345, Woman; Survey)

He paid nothing and used violence to ensure this, yet he gets half. It's ridiculous and daylight robbery. How would you feel if you were the victim of all that I am the victim of and the court 'supports' your perpetrator in completely destroying you? It's criminal - the law is criminal. ... [Now] He has been absolutely rewarded for all his treachery and treason and domestic violence at all levels that he's perpetrated against me. He came with nothing and I was kind, loving and supportive. ... It's absolute crap! (398, Woman; Survey)

The relationship was violent and on/off with the applicant leaving on numerous occasions and removing his belongings from the property. He made no financial contribution to the relationship and he drained my savings. He was physically and psychologically abusive. I still have panic attacks when I think about what he did to me. I had to pay a lawyer \$300 per hour. He got Legal Aid. I had no voice. He called all the shots. I ended up self-representing in court and I don't have any legal training. ... [Now] He was a parasite who bled me dry during the relationship and then he used a Legal Aid lawyer to suck the last bit of blood from me. (329, Woman; Survey)

I don't have the words to describe the level of fraud and bias I experienced. ... [Now] Property is still being kept from me by my ex and is being used to blackmail more money from me. This is property that has been allocated to me by the courts as part of my business, which is part of my ability to earn an income. She is doing everything she can to keep me in a state of control and instability/uncertainty. (466, Man; Survey)

Dividing property using **lawyers or the court** could also lead to feelings of dissatisfaction and unfairness.

The threats of court costs should not prohibit justice for primary caregivers. ... [Now] It should have been 50/50 with no, or minimal, legal costs. (411, Woman; Survey)

He's a thief. ... His lawyer was better than mine because he could afford the best. (522, Woman; Survey)

No process, no transparency, no advocacy from lawyers. He controlled the whole process. Lawyers are not strong enough in these matters because the law is inadequate and does not require disclosure unless forced through the court. ... [Now] I have lost my children, and the narcissist wins because the system does not deal with these issues (504, Woman; Survey)

Others thought it was **the law** that was very unfair.

I was in a very secure financial position prior to the relationship. I feel that I was asset stripped by laws that did not contemplate my situation. (563, Woman; Survey)

That people can get money many years after a relationship has split up. It was like, 'mmm, which ex-partner has the most money that I can use the law to blackmail them out of money with the threat of them losing half their assets?' Shocking! ... [Now] [Many] years later! There has to be a time limit. What I fail to understand still is, that if you marry or are in a civil union, you make a commitment to mingle your finances, but when you just live together on and off, that says to me that there is no commitment to mingling everything. But the law thinks if you sleep with someone that you are agreeing to mingle your finances. (320, Woman; Survey)

Dissatisfied

Survey participants who were **dissatisfied** at the time of dividing their property, or now, and thought their property settlement was **unfair** or **very unfair**, most commonly perceived that **the property settlement had worked unfairly for them** because of unequal contributions during the relationship; an unequal division of the property; or an imbalance in earning ability and financial security going forward.

I was disappointed that I had to pay him so much money and thought it was unfair that he'd paid nothing towards the house or its upkeep. Lived here for free and then I had to buy my house off him. (515, Woman; Survey)

I brought a lot more into the relationship. I was young and did not understand the risk I was exposed to. During the relationship I foolishly combined all assets and income even though I was earning far greater. ... [Now] I brought a lot more in, was unaware of the circumstances and was exposed, lost a lot. She did very well and walked away with \$80,000. (215, Man; Survey)

I feel the law of 50/50 worked unfairly towards me. ... [Now] The settlement was unfair because my husband then contributed very little to the children's care and I had to work and look after the children by myself. (333, Woman; Survey)

Unsatisfied because I 'compromised' on the start date of our relationship just to get him to sign the bloody relationship property agreement, so it could be over. It took 10 months. I was sick of his weird/abusive emails and dealing with it in general. Consequently, I lost \$20k, as well as the \$10k I paid for the house deposit. It wasn't fair in my opinion for those reasons, but at least it was finally over. ... [Now] I'm still pissy about the \$20k and house deposit. But my lawyer said, 'if you give someone \$20k and never see them again, it's worth it'. I've no idea where he is or what he is doing and I don't care. (392, Woman; Survey)

I was left with no financial support and no household goods. (217, Woman; Survey)

I had to pay my former partner an equalising payment due to me keeping the main asset and majority of furniture etc. Given my current financial position, and how much I had put into the relationship financially over the years, it felt very unfair. (451, Woman; Survey)

I originally asked for [more than 50%] due to having the main care of the children, but he dragged it out for so long I was forced to accept less. ... [Now] My ex inherited [a large sum of money] just after we separated. He gave up work, pays minimal child support and refuses to pay for extras such as sports, trips etc. (489, Woman; Survey)

I felt pressured due to family violence issues to just get out, without my share. ... [Now] I got less than my fair share and it has set me back a lot in life. (570, Woman; Survey)

Assets weren't divided evenly and I got less. Plus, it was one-sided as I made all the effort and got very little. ... [Now] I didn't get an equal share of the property even though I tried to be as thoughtful as I could. (592, Woman; Survey)

It's unfair in my situation as ex-partner never contributed financially and had blown his inheritance recently without regard to family finances, but was still entitled to half of the family assets. (604, Woman; Survey)

Our joint asset, the house, was purchased 50/50 and via equal contributions to a joint account. We maintained the property and we both had jobs of a similar pay level. Our personal money we managed separately. She spent, I saved. In the end, I had to pay her more than she put into the relationship, which I didn't think was fair or my understanding of what we had agreed at the start of the relationship. (173, Woman; Survey)

He has had assets that have generated an income that I have not been able to benefit from. (396, Woman; Survey)

I had the kids, a significantly lesser income than him, and no furniture. ... [Now] There was no allowance made for many of the factors involving the kids and my full responsibility for them. They did not, and do not, have anything to do with their father. (359, Woman; Survey)

We had an equal share of the property, but there was no compensation for the fact that my career opportunities and earning capacity were compromised by the decision to be the main caregiver to raising four children. At the time of separation, I was almost at retirement age, so had no chance to advance career prospects or earning capacity. (517, Woman; Survey)

Some perceptions of dissatisfaction and unfairness were related to the **sacrifices or trade-offs** made, or received, to achieve the property settlement.

I was entitled to about \$30,000 that I did not take to make sure he could buy another house for stability for our daughter. ... [Now] My ex-husband took a mortgage holiday after initially missing more payments. This meant until the house was sold he lived free in our home and nothing came off the mortgage, while I still had to pay rent and take care of the arrears he should have paid. (501, Woman; Survey)

Due to not receiving an equalisation payment relating to my ex-partner's superannuation fund. I chose to accept this, only because not doing so would have delayed the process and my ability to make a cash offer on a house I wanted to purchase. (166, Woman; Survey)

Childcare arrangements were used as leverage to lower my pay-out from the shared assets. ... [Now] I should have got a fair share of our jointly held house. We excluded KiwiSaver and his was worth \$100k more than mine. (322, Woman; Survey)

Dividing property using **lawyers or the court** could also lead to feelings of dissatisfaction and unfairness.

I could not continue to pay lawyer fees or for court, so had to give in and he got more of our assets. ... [Now] Property settlement works best for the person who has the most money to pay good lawyers. (619, Woman; Survey)

My former partner refused to complete court documents, hid from the court bailiffs (took a month to be tracked down and served) and never turned up to court. I had to sell the property, supply all information, pay costs and take time off work to attend three court appearances in [city]. I live in [another city]. The whole process was a very stressful seven years of my life. I now can't access the property market because in this time the property market has moved out of my reach. ... [Now] Difficult to settle if one partner won't cooperate and obstructs at every opportunity. (277, Woman; Survey)

The court didn't take into account the money I had spent propping up a loss-making business over the years from income. (361, Man; Survey)

The **incurring or division of debts** was sometimes considered to be unfair.

Left paying off debt that I did not agree to undertake in the first instance. ... [Now] I feel I am in a better financial position now that my former partner is no longer in my life. However, I feel that he got more out of the property and asset division than I did and more than he was entitled to. (240, Woman; Survey)

I invested more financially and had minimal debt. My ex-partner invested less and had significant undisclosed debts. He benefitted from the 50/50 division of assets. ... [Now] I suffered financially from the loss of the business he ran/directed. I was not working in it but, as a spouse, signed into the risk. (532, Woman; Survey)

I didn't think it was fair the debt on the original home should have been divided between us. ... [Now] I have had to raise my children alone and pay for most of their life costs. I had some relief initially with the care, but this was temporary, so no timeout for many years. Financially I have used all my settlement money raising my children. I have no nest-egg to fall back on. (180, Woman; Survey)

My former partner incurred debts just prior to the property settlement. (517, Woman; Survey)

Valuation issues could generate feelings of dissatisfaction and unfairness.

I felt that my 'assets' had been overvalued, requiring a smaller balancing payment from my ex-wife. ... [Now] I think that my former wife benefitted financially from the property settlement by my assets being overvalued. (176, Man; Survey)

The unfair valuations and bullying tactics meant I signed away the majority. My lawyer agreed with me, but it wasn't financially viable to fight it as I couldn't afford the

lawyer. It would've ended up drawn out and any gains would've been spent on legal fees. ... [Now] I will never be satisfied with being taken advantage of, knowing I was put in debt and he received a financial pay-out. (257, Woman; Survey)

Participants who experienced **deceptive or wrongful conduct by their former partner** said this was why they were dissatisfied and regarded the property settlement as unfair.

My ex-husband was embezzling from his former employer and had hidden assets. (583, Woman; Survey)

It was not the agreement that we had had. He was deceptive in what he told his lawyer. (431, Woman; Survey)

I lost \$30k on the loan and he got away with undervaluing the house. ... [Now] He lied and tried to scab me on stock prices, the house price, the vehicles, the loan, everything. It was a nightmare. (137, Woman; Survey)

I was removed as a trustee of the family trust. ... [Now] I'm bankrupt. (495, Man; Survey)

Neither satisfied nor dissatisfied

The reasons that survey participants gave for why they were **neither satisfied nor dissatisfied** at the time of dividing their property, or now, and thought their property settlement was **neither fair nor unfair**, primarily related this to the division simply needing to be done; feeling pleased or relieved the property division was over or they were out of the relationship; making their own decision; and being able to manage or survive on the settlement.

It needed to be done. ... [Now] I am satisfied that it's done, and have realised how poor he was at money management as I have more disposable income than I thought I would. I am unsatisfied with the division. Throughout our relationship I provided greater financial support to the relationship, and supported him in furthering his career and earning opportunities. I bought the first house and financially supported him through his bankruptcy and contributed to his child support payments. My parents supported us. None of these were considered in the asset division. (169, Woman; Survey)

It was my decision, made against the advice of my solicitor. ... [Now] Feel it was my decision. (167, Man; Survey)

Glad it was over and got that poisonous gaslighting narcissist out of my life. ... [Now] I'm still alive. I could provide for my kids. I have a place to live. (287, Man; Survey)

Just relieved to get a decision after nine years. (472, Woman; Survey)

Just glad it's over 10 years on and, while she got cash, I got pensions. ... [Now] Still early, just relieved. (426, Man; Survey)

I was relieved as his dishonesty with money was no longer able to impact me or my children. But I stupidly thought he would step up to childcare more, so I kept the issues separate as I thought I had to. It has been a massive financial burden for me alone. ... [Now] It was fair at the time, but he has not repurchased a property to have the kids in, which is unfair on them. (210, Woman; Survey)

There was no provision to recognise the fact that I solely provided for the minor children from the marriage. ... [Now] I think it was not fair, but I have moved on and try not to think about it at all. Just look towards the future where I'm the only one making all the decisions, which feels great. (273, Woman; Survey)

I ended up carrying a significant amount of debt and, as he'd abused me financially before separation and ended up owing increasing amounts of money, I had to borrow again to pay him out. ... [Now] I needed to get away from the financial drain he was on me. The division was legally fair, but not morally fair. I'd asked him to stop spending money we didn't have, but he continued to spend enormous amounts of money. Glad I'm out of it. (229, Woman; Survey)

Just wanted it to be over so I didn't have to deal with him. ... [Now] Still a bit fearful. (353, Woman; Survey)

Others noted the **detriments they experienced**, including exhaustion, delay, emotional scarring, financial loss, and seeing their former partner in a much stronger financial position than them.

Property is only one component to the outcome. I did not feel like I 'won'. Going through a nasty relationship situation means that you are just tired and, for me, still always worried about what my ex-partner may do to get at me. ... [Now] Although I got the money from the property I owned, the journey I have been through, and the financial loss due to my ex-partner's madness, has been exhausting and disabling for many reasons. I have spent thousands due to his dishonesty, 'ideas' or pure irresponsibility. (478, Woman; Survey)

Due to huge delays and extra costs I bore an unfair amount of the costs and the overall situation was not fair. (380, Woman; Survey)

Hindsight - he is still in a far better position than I am. (352, Woman; Survey)

Spousal support would have been a more reasonable outcome, but was not achievable as I could not contemplate staying in the family home with my ex-husband until this was sorted. I felt threatened. ... [Now] My husband in a much stronger financial position than me. (348, Woman; Survey)

Was aware I was probably entitled to more, but didn't have the resources to fight in court. (622, Woman; Survey)

It's hard to predict the future but, as I get older, I see quite how much women are disadvantaged in their careers and paid less as our careers develop unless we do our best to outsource our parenting responsibility or have a new partner who will share the load. I'm emotionally scarred from the relationship and recovering. This all takes time and energy. ... [Now] I had a huge focus on getting myself a home again. I was lucky to just have enough capital and income to do this. (540, Woman; Survey)

The largest group of those who were **neither satisfied nor dissatisfied** at the time, thought the property settlement was either **unfair or very unfair**. They attributed this to their former partner receiving a greater share of the property division or having a better opportunity to earn future income; the undervaluing of assets; certain property (like assets acquired prior to the relationship or via an inheritance) being included in the property division; financial insecurity in their retirement; and having to undertake a greater share of the post-separation childcare.

I was relieved it was done, but a bit bitter about how good of a deal it was for him. (404, Woman; Survey)

It was 50/50, but unfair in that he was able to earn more than I could because his career was the focus over our marriage. ... [Now] Still think that it is unfair, but have to make the best of my position. My ability to move forward financially is hindered by my lesser income. (454, Woman; Survey)

The property settlement wasn't completely fair to me, but I was just glad to get it all over. ... [Now] My views haven't changed over time. I think the property settlement was somewhat unfair to me, but I got the best deal I could. The most important thing to me was the welfare of the children and that was a trade-off I was happy to make. (211, Woman; Survey)

I was satisfied that it was over and didn't care anymore that it was financially unfair to me. It allowed the distance from my former partner that I needed. (551, Gender diverse person; Survey)

I would have liked an adjustment to bring us closer to 50/50 for the house proceeds, so that I had a better chance of getting into another house for my children. ... [Now] I won't catch up financially. I also feel I gave in quite easily on a number of things. That said, I do not dwell on it, I have moved on. (341, Woman; Survey)

While I felt the division of the \$100k was unfair, facing legal bills of \$50k or more to sort it out seemed to be not worth it. Neither of us would have gained anything by arguing over this amount. ... [Now] It's water under the bridge. (357, Man; Survey)

It was reasonable, but I knew he had cheated me. Even now, I am unsure of his actual financial position, but suspect he was very smart about protecting himself and had

more than I probably will ever know. ... [Now] I am stronger now and wish I had been more aggressive and not such a trusting fool. I wish I had stayed in the home and got a good lawyer immediately. But, on the whole, I'm just glad to have a new life, so it was worth not going to court and getting it settled as quickly as possible. (378, Woman; Survey)

I was joint owner of 100% of our assets and, through no fault of my own, I was stripped of at least 50% and left with a home, but no investments after 40 years and not many working years left to earn any and a career that was started too late to grow into much. ... [Now] I regret that it was necessary. It was not fair that it happened at all. I don't have enough investments to retire on at a time in my life when it is too late to start again. It wasn't my fault, but I have to pay the financial price for something he now regrets. Too late. No winners. Otherwise, I feel glad that we sorted the financial side out quickly and the nasty business was over and done with, allowing me to plan ahead and make the best of a bad situation. I am satisfied and grateful to have retained my home. I think it is a good investment. Was it worth half? Don't know, but close enough I am sure, so reasonably satisfied on that level. (443, Woman; Survey)

We used to have, equally, a freehold home and investments and superannuation for our old age. Now, I have a home, but no money. My retirement will not be provided for. All because he wanted to have a fling after 40 years together. How is that fair? Now he lives by himself, with his poor health and regrets. ... [Now] I got what I most wanted, to keep my home. I was not mentally or emotionally well enough to cope with having to move at that time, so keeping my home was my focus and sanctuary. I still have to face what will happen when I retire without much in the way of savings, but it was, for me, the best of a bad situation. I lost about half of my jointly owned assets through no fault of my own but, under the circumstances, I came out of it the best that could be expected. (566, Woman; Survey)

I have sole custody of the children and he was on a benefit, but we still split 50/50. I struggled to put food on table with no financial contribution from ex and higher expenses, having bought him out of the house. His children directly suffered. ... [Now] It is what it is. I started a new job this year which has removed financial pressure. (591, Woman; Survey)

I had to agree to giving him a 50% share of the house I'd bought prior to meeting him. He also wanted to keep an heirloom my father had given me. To prevent him getting it, I had to pay extra out of the settlement. I also had to pay for the furniture and effects which had remained at the family home (and so I had 'kept' them), which he then came and took. I couldn't afford to fight this any further, so had to let it go. He would argue over every little thing. Fighting to keep any item, no matter its value, ended up costing more than they were worth. So, I let him keep them. ... [Now] I'm just over it. Moving on in my life. I still think it was unfair, but it's all done now. (390, Woman; Survey)

I had put 80% of the money into the property as I had inherited it prior to the split. I was unaware that, by putting it into the family home, meant it would be split 50/50

later down the track if we were ever to split. ... [Now] I am neither satisfied nor unsatisfied as I am just over it and glad it's sorted. (314, Woman; Survey)

Satisfied

Most of the survey participants who were **satisfied** at the time of dividing their property, and now, thought their property settlement was **fair** or **very fair**. Their reasons for these ratings related to:

- the division being 50/50.
- the parties agreeing to an unequal division and/or considering it to be fair.
- the division following their previously agreed, or contracting out, arrangement.
- their satisfaction and happiness with their current circumstances.

I felt like I was in control of the situation. It helped that I was in a position to get informed, and I was financially stable enough to make good decisions. I had support around me from family and friends and it was my decision to end the relationship. In the end, it probably ended as well as could be expected. ... It was a fair settlement. (223, Woman; Survey)

We split things down the middle. It was fair and I was satisfied. ... [Now] Settlement was fair. I've continued working while ex took time out to do a degree. He's worse off now as a result, but I'm sure he'll make it back in good employment, while I don't have great earning prospects. (206, Woman; Survey)

I accepted the principle of us each being entitled to 50%. (436, Man; Survey)

50/50 of property is appropriate. (490, Woman; Survey)

Both of us were reasonable. ... [Now] Equal split, fair to both. (493, Woman; Survey)

Closure and it was fair, as we did it fairly with a valuation so we knew the true value and could split that. (480, Man; Survey)

There was an element of just being pleased I was free and unburdened of his debt, but I also feel the split was very fair. ... [Now] I was able to start fresh. (253, Woman; Survey)

Fair. The only thing I would have liked is more protection of our assets should another partner come along. ... [Now] Still fair, but still hung up on whether his new partner will benefit from what I felt I left in for our children. (574, Woman; Survey)

We both ended up in similar homes with a similar ability to make incomes in the future. ... [Now] I have a house, a car a job and my son. Anything else is a bonus. (276, Woman; Survey)

I might have received more in court but, at least, I got my 50%. ... [Now] I am happy because I've managed to develop a new career which is going brilliantly for me. I now have a good income. (315, Woman; Survey)

It was a process, but made fair in the end. ... [Now] I am able to live on little and am satisfied with my life. I am not working and can live on my settlement by moving to a rural area and cheaper housing. (525, Woman; Survey)

I felt the mediator realised my ex is a bully and went to lengths to ensure it was a fair settlement. ... [Now] I am happy and have a new income. (545, Woman; Survey)

It was mostly fair, although my ex refused to honour agreements we had made (e.g., he owed me some money which he chose to ignore). It was not worth the money being spent on legal fees to resolve it. ... [Now] I own the family home and kept my pension thanks to a gift of money from my parents allowing me to buy my ex out. I now feel secure. (386, Woman; Survey)

I was satisfied it was a fair agreement in principle, however, it took another 18 months for my ex-partner to meet the terms of the agreement he had signed. I had no leverage other than further expensive court costs to pursue settlement of a signed agreement. ... [Now] It was fair in principle of equal division, but not fair in how long it took to settle. (317, Woman; Survey)

We followed our prenuptial agreement. (304, Woman; Survey)

Some participants were satisfied and thought the property division was fair or very fair because they were happy **they or their former partner had received a more than equal share** due to their needs or contributions. Some were accepting of their decision to compromise and let things go in order to have the matter resolved.

I was happy that it was behind me. It was fair-ish, as we got almost a 50/50 split. I did not feel that arguing to get a true 50/50 split was worth the emotional effort or legal costs, so I just let some things go. ... [Now] I just did not feel it was worth it to push for a true 50/50 split. (483, Man; Survey)

My partner needed a greater share, so I thought it fair she got it. (214, Man; Survey)

It was done quickly. He let me keep my money that I had saved, when he could have taken it. ... [Now] He let me keep my retirement savings when he could have taken half. I could use those to buy a house. He is better off financially than me because of his inherited family trust. But, I didn't want that trust as I loved his parents and they would have been upset by that. My children will still benefit from the trust. (324, Woman; Survey)

Due mostly to outside circumstances (my partner's health), the separation took a long time to complete. There was compromise on the exact valuation of the house. It was fair. (224, Man; Survey)

My ex threw a few last-minute curveballs at me (which we didn't challenge, in the interests of finalising it) but, overall, I was satisfied. (177, Woman; Survey)

I owned property, he just wanted the family home. He didn't try to get half of everything I owned that I bought before I met him. (243, Woman; Survey)

I owned property, he just wanted the family home. He didn't try to get half of everything I owned that I bought before I met him. (243, Woman; Survey)

Conversely others, while satisfied, **thought they could have had a better outcome.**

I was very hurt and wanted things settled as quickly and smoothly as possible and I think I was too agreeable and not entirely sensible to let my ex have all the extra chattels. I did all the organising with lawyers, valuers, banks and bill-settling, so I made it very easy for him. ... We made the property decisions ourselves and both were satisfied at the time. But, looking back, it may have been better to have done it through lawyers as I might have come out slightly better off. While I could have maybe had a better financial outcome, I don't feel any regret or bitterness about the decision to divorce. (599, Woman; Survey)

Ex-partner's income level was a lot higher than mine at the time of separation and afterwards due to my career gaps while looking after the children. I feel I could have sought more than a half-share of the assets to equalise the future income expectancy of us both. (236, Woman; Survey)

Several participants were satisfied they were able to put the property division behind them, **make a fresh start**, purchase a new home, re-mortgage the family home or keep a roof over their children's heads.

I carried us financially throughout the relationship, which was difficult and exhausting at times, and now I have a big mortgage again. But, in the end, I was relieved to be out and starting again. (226, Woman; Survey)

I got to keep the house, so that was my main concern. ... [Now] I have a mortgage and two kids to pay for. He's sitting on the dole in [another country]. But I am still much happier, if physically poorer. (254, Woman; Survey)

I was pleased I did not have to move out with the kids initially. ... [Now] I have control over my situation, I know what my debts are and can manage them. (615, Woman; Survey)

I've continued to put a roof over the kids heads, while he lurches from girlfriend to girlfriend. (575, Woman; Survey)

Nearly three years on, being in my own house has meant I can make decisions for myself and secure my current financial position. Also, I know I will get a final pay-out within a couple of years, which will mean I will be very secure. (485, Woman; Survey)

Some participants were satisfied and thought the property settlement was fair, but were **annoyed at having to pay legal fees**.

He got an amount that was half of the increase of value in the house at the time of separation. However, I did pay for almost all the legal fees. (338, Woman; Survey)

We formalised our verbal agreement, but I was unhappy that we had to bother and the expense of that. (442, Woman; Survey)

I was happy that we reached an amicable agreement at the time. When he wanted it to be formalised, I incurred lawyer's fees that I could not afford. ... [Now] We split the main asset and the debts equally. The household goods were mine. However, a lot of it was worn out and needed to be disposed of. (351, Woman; Survey)

A more unusual reason for the satisfaction and fairness ratings related to the **death of a former partner**.

She died and I inherited it all back. (512, Man; Survey)

Some people were **satisfied** at the time of dividing their property, but now perceived their property settlement as either **unfair** or **very unfair**. They were pleased the property division process was over and they could start afresh, but thought the division had been less than fair.

Not fair, but over. It was the best possible outcome at the time after five years of nonsense from him. ... [Now] Just glad it's over. (419, Woman; Survey)

I am glad the process is complete and I have accepted the trade-offs I made to get to this point. The outcome still feels like it was unfair to me, but I have accepted that. (551, Gender diverse person; Survey)

It was unfair, but it was over, which was more important. ... [Now] It was unfair, but that won't change. I am still glad it's over. (197, Woman; Survey)

I ended up with significantly less than I was owed as ex had already spent the proceeds from selling possessions, artwork, vehicles etc. ... [Now] Satisfied it's over despite the unfairness of the division. (598, Woman; Survey)

He came out better off as he had the family home and I had to rent with children and look to purchase a new home. ... [Now] I made decisions based on my want to get away from him. (355, Woman; Survey)

He sold off a lot of jointly-owned things and kept the money. But it is all history now and I am happy with my life. (549, Woman; Survey)

Very satisfied

Those survey participants who were **very satisfied** at the time of dividing their property, and now, and thought their property settlement was **fair**, commented that this was due to the equal division of their property; being able to afford to make the pay-out to their former partner; feeling happy about the outcome of the division; being able to retain assets they had brought into the relationship; and being thankful for the assets they now owned, particularly a new home.

We each felt comfortable that the outcome was financially fair. (363, Man; Survey)

Just trying to move on and not live in the past. I'm thankful I own my own home now. (451, Woman; Survey)

The value came in very low which meant the pay-out amount was achievable. ... [Now] I knew the area was about to boom. Getting a valuer in was worth it, as they could see all the work needed and assessed it as such. Now the house has doubled in price in four years. (529, Woman; Survey)

We had agreed on the process and, while I potentially could have got a bit more financially from the settlement, I was happy with the arrangement we made. (541, Woman; Survey)

I think I got a fair share of the assets/debt. I am financially better off now because I am not supporting him. (213, Woman; Survey)

Other participants who were **very satisfied** at the time of dividing their property, and now, and thought their property settlement was **very fair**, attributed this to the equal or fair division of their property; getting what they had asked for or wanted; not being worse-off than when they entered the relationship; and being in a good financial position and well set up for the future.

We both walked away with equal value. (187, Woman; Survey)

I got what I asked for. (388, Woman; Survey)

I admit I'm the bigger earner in the relationship. The split we agreed upon meant my spouse was able to sell the home and downsize within the value received in the sale. I was able to draw a mortgage and purchase a house for myself. I was very strapped for cash, so-to-speak, straight off. This was a big part of the plan, me 'doing it tough' for the first few years, and my spouse getting a break. A straight-down-the-middle division with its associated complications would have advantaged me hugely, which was totally not fair after 40 years together. Right now, we are both comfortable ... [Now] The outcome today, four years later, confirms the fairness of our agreement. We talk regularly, assist each other when needed, share vehicles when one is being serviced or repaired. I cannot think that this is nothing other than a 'fair' outcome! (470, Man; Survey)

We had cash from the sale of our home and a rental property. My former partner got the cash, I got the property. I was happy with that outcome as it gave me an income when my employment options were not great. ... [Now] I am content that our settlement was fair at the time. I have been lucky with how things have happened to me since then. (494, Woman; Survey)

The children and I are secure with our family home. Nothing else was particularly important to me so long as they could be provided with that stability. ... [Now] I entered the relationship as a homeowner, and I ended the relationship as a homeowner with three children. I am not worse off than when I entered the relationship which, to me, seems fair. (406, Woman; Survey)

The assets were divided evenly and in a way which we both agreed to. My former partner took sole responsibility for a portion of debt. ... [Now] I own my own home with only a very small mortgage. I manage to save some money each pay. I don't feel like I am going without anything. I feel very fortunate to be in the position I am. (514, Woman; Survey)

I thought I would lose everything, but I kept most for a small settlement. ... [Now] The property value has increased, and the mortgage has gone down, because of interest rate restructuring. (521, Man; Survey)

Participants Whose Perceptions of Satisfaction and Fairness Changed Over Time

As indicated earlier, most participants' satisfaction and fairness did not change from the ratings they gave at the time they divided their property to now (when they completed the survey). However, some did shift their perceptions across these two time periods, in either negative or positive directions.

Negative shifts across the two time periods

Some participants said they were **initially satisfied** or **neither satisfied nor dissatisfied**, even though they thought their settlement was **unfair** or **neither fair nor unfair**, but they had **become dissatisfied or very dissatisfied** and thought their settlement was now **unfair** or **very unfair**. This was primarily because they were unhappy about the unequal nature of contributions during the relationship; their unequal property division; their poorer financial position going forward because of childcare, part-time employment, or career sacrifices; their belief they had given in to their former partner too easily; and their regret about the property division outcome.

At the time I was satisfied as I just wanted some money out to buy a new home for my son and myself. It was six months later I realised it wasn't just. I did speak to a different lawyer and she told me I would have to go to court to fight it. I didn't need that stress, so had to accept I had been ripped off and move on. ... [Now] We had always made sure we contributed 50/50, but I did not get paid out my 50%. (370, Woman; Survey)

I was just pleased to get it all sorted but, in hindsight, I think that I shouldn't have rushed into it. ... [Now] I gave up my highly paid job to raise the children at home and support my ex-partner in his business. Upon separation I have part-time, casual employment. He has a highly paid career and this was not affected by the break-up. I still care for our children at home, so employment opportunities are still affected. (264, Woman; Survey)

I cut my losses to get it done/sorted, but didn't realise at the time how that would impact me financially later. ... [Now] Should have made sure we split everything. (284, Woman; Survey)

I wanted the process finished. ... [Now] Should have been more tough, instead of letting him have his way. (621, Woman; Survey)

I was still in shock over the separation, I didn't fight hard enough. I didn't feel like my lawyer fought for me either. ... [Now] I am struggling, particularly financially (which impacts everything). My ex has moved away and is earning lots of money, living the dream (for him). (237, Woman; Survey)

Honestly, I just didn't care. I was quite suicidal and just relieved I finally got out of there. ... [Now] I shouldn't have let him keep everything. (397, Woman; Survey)

Positive shifts across the two time periods

Some people made substantial shifts from being initially **dissatisfied** or **very dissatisfied** and regarding their property division as **unfair**, to becoming **satisfied** and thinking the division was **fair** once they had calmed down, got over their frustration, were happy their former partner was out of their life, or had regained their health and wellbeing.

At the time of the agreement, I felt that the property settlement was unfair because: 1) it included my inheritance; 2) I had provided all the money for our house; 3) I had supported my wife in undertaking extra studies. ... [Now] I suspect had the breakup been conducted by both parties in a fair and reasonable manner, I would have felt differently, but emotions and the fact that by the actions of my ex-wife I was having to fight to look after my children, fight for my job and move house made me regard the whole situation as grossly unfair and inequitable. My feeling was also accentuated by ongoing lying and stealing of our joint money by my ex-partner. Now that things have calmed down, I can see that the arrangement was fair. (113, Man; Survey)

I had to give my ex half the value of my KiwiSaver out of the cash left over after the sale of the house. This left me without a sufficient deposit to buy another house. ... [Now] I'm over the frustration I felt when she bought a house and I couldn't. I'm happy. (367, Man; Survey)

My ex just refused to negotiate on figures, even though his position was debated by my lawyer. In the end, I paid him out to get rid of him. ... [Now] I'm satisfied because

he is no longer in my life. I still think the settlement was unfair, but I am looking forward, not back. (356, Woman; Survey)

He kept more than 50% and I decided to settle on it to be finished with the relationship. ... [Now] Giving him a bit of extra money to be done with the relationship was more than worth it in gaining my health and wellbeing back. (171, Woman; Survey)

Other participants started out positively as they said they were initially **satisfied** or **neither satisfied nor dissatisfied** and thought their settlement was either **fair** or **neither fair nor unfair**, but had **become very satisfied** or **satisfied** and thought their settlement was **very fair** or **fair** over time. This was primarily because things had worked out as anticipated or they were now much happier, pragmatic, financially secure, and no longer having to deal with family violence or other family-related issues.

We negotiated and were able to keep an equitable outcome in mind and to accommodate each other on the details. ... [Now] Things have worked out largely as we hoped they would. (433, Man; Survey)

I felt it was fair because it was based on the [other country's] system which doesn't automatically allow for a 50/50 split. ... [Now] At the time I couldn't see how I would manage a farm, livestock and a mortgage alone. It's now 2020 and I'm in a far better place. The positive change is solely due to not living with domestic violence and the loss of self-esteem that causes. (479, Woman; Survey)

I realise it was better to feel safe than worry about money. I now earn almost twice as much as him and am financially secure. (266, Woman; Survey)

It should never have come to what it did - him trying to make me homeless, then having to use up my nest-egg to keep a roof over my head after I gave him 28 years cleaning up after him, telling lies for him, putting up with his dirty filthy habits, that were all centred around his hard-out drinking and abuse. ... [Now] I have a home and feel secure, am relaxed, enjoy life, have good times with my family; things that I never felt living with him. (327, Woman; Survey)

There were lots of things I struggled with. All my gifts to her, were hers. She hardly bought anything for me. All the art I bought, shared out. My coin collection, in the pot. Just seemed a bit on the nose. And the prenuptial was not fully honoured. Annoying. ... [Now] At the end of the day you can litigate until you are blue in the face. We were both pragmatic, even though we were both very sure of our positions where they differed. We just had to get over ourselves sometimes. And we did. (219, Man; Survey)

Summary of Satisfaction and Fairness Ratings

In summary, similar numbers of participants provided reasons for why they were i) **dissatisfied/very dissatisfied** at the time of dividing their property, and now, and thought their property settlement was **unfair/very unfair**; or ii) **satisfied/very satisfied** at the time of dividing their property, and now, and thought their property settlement was **fair/very fair**.

Dissatisfied / Very dissatisfied: People primarily made **dissatisfaction and unfairness ratings** when they perceived that the property settlement had worked very unfairly for them because of unequal contributions during the relationship; an unequal division of the property; or an imbalance in earning ability and financial security going forward. Those who experienced threats, pressure, deception, wrongful conduct or violence by their former partner also said this was a reason why they were very dissatisfied and found the property settlement to be very unfair. Other reasons included the sacrifices or trade-offs made, or received, to achieve the property settlement; the use of lawyers or the court; the law; the incurring, or division, of debts; and valuation issues.

Neither satisfied nor dissatisfied: The reasons that survey participants provided for why they were **neither satisfied nor dissatisfied** at the time of dividing their property, or now, and thought their property settlement was **neither fair nor unfair** primarily related this to the division simply needing to be done; feeling pleased or relieved the property division was over or they were out of the relationship; making their own decision; and being able to manage or survive on the settlement. Some nevertheless noted the detriments they experienced, including exhaustion, delay, emotional scarring, financial loss, and seeing their former partner in a much stronger financial position than them. However, the largest group of those who were neither satisfied nor dissatisfied at the time, thought the property settlement was either **unfair** or **very unfair**. They attributed this to failing to protect themselves; by their former partner receiving more from the property division or having a better opportunity to earn future income; the undervaluing of assets; having to pay out more on the family home due to increased capital gain as a result of delayed settlement; by certain categories of property (like KiwiSaver or assets acquired prior to the relationship) being included in the property division; and by having to undertake a greater share of the post-separation childcare.

Satisfied: Survey participants primarily made **satisfaction and fairness ratings** when they considered their property division was 50/50, otherwise fair, or as agreed between the parties; had followed their previously agreed or contracting out arrangement; were secure financially; had no feelings of regret or bitterness; their former partner had received a more than equal share due to their needs or, conversely, their former partner had foregone some of what they were entitled to; they had put the property division behind them; made a fresh start, purchased a new home, re-mortgaged the family home or kept a roof over their children's heads.

Very satisfied: Those who were **very satisfied** at the time of dividing their property, and now, and thought their property settlement was **fair** or **very fair**, attributed this to the equal or fair division of their property; getting what they had asked for or wanted; not being

worse-off than when they entered the relationship; their ability to retain assets they had brought into the relationship; being able to afford the pay-out to their former partner; feeling happy about the outcome of the division; being thankful for the assets they now owned, particularly a new home; and being in a good financial position and well set up for the future. Other reasons included a former partner's guilt influencing a property division in favour of the other party; an even-handed judge; and leverage by a lawyer.

Shifts in perception over time: Finally, while most participants' satisfaction and fairness did not change from the ratings they gave at the time they divided their property to now (when they completed the survey), some did **shift their perceptions across these two time periods**, in either negative or positive directions.

Some participants were initially satisfied or neither satisfied nor dissatisfied, even though they thought their settlement was unfair or neither fair nor unfair, but they had **become dissatisfied or very dissatisfied** and thought their settlement was now **unfair or very unfair**. This was primarily because they were unhappy about the unequal nature of contributions during the relationship; the unequal property division; their poorer financial position going forward because of childcare, part-time employment, or career sacrifices; they thought they had given in to their former partner too easily; and regretted the property division outcome.

Others made substantial shifts from being initially dissatisfied or very dissatisfied and regarding their property division as unfair, to **becoming satisfied** and thinking the division was **fair** once they had calmed down, got over their frustration, were happy their former partner was out of their life, preferred being the children's primary parent, or had regained their health and wellbeing.

Some participants started out positively as they said they were initially **satisfied or neither satisfied nor dissatisfied** and thought their settlement was either **fair or neither fair nor unfair**, but had **become very satisfied or satisfied** and thought their settlement was **very fair or fair** over time. This was primarily because things had worked out as anticipated or they were now much happier, pragmatic, financially secure, and not having to deal with family violence or other family-related issues.

Perspectives on the Importance of a ‘Clean Break’

The survey raised the issue of a ‘clean break’ and defined this for the participants as: *A ‘clean break’ is based on the idea that former partners will use their share of the relationship property to start afresh and be financially independent from each other.*

Table 48 presents participants’ views on how important having a clean break was to them. Please note that 22 participants (6%) indicated that a clean break was either not applicable and/or possible in their situations, so the percentages presented are based on $n=356$.

Table 48: How important was a ‘clean break’ to you?

	<i>n</i>	%
Not at all important	14	3.9%
A little bit important	19	5.3%
Fairly important	50	14.0%
Very important	273	76.7%
Total	356	100%

As shown in Table 48, a large majority (91%) rated having a clean break as very (77%) or fairly (14%) important.

The three key themes that emerged in the participants’ comments about how their and/or their former partner’s desire for a clean break affected their relationship property division included: their reasons for wanting a clean break; the concept of a clean break not being necessary or desirable; and discrepancies between the parties on the need for a clean break.

Reasons for Wanting a Clean Break

Some participants expressed **a desire to move on in a way that was respectful, fair and reasonable for both parties** and/or regarded a clean break as **natural and to be expected** after separation.

It seemed like a natural thing to expect. (223, Woman; Survey)

50/50 gave us both the chance for a clean break. (236, Woman; Survey)

When we broke up we happily went our own way and kept our own assets. (227, Woman; Survey)

Neither of us mentioned a ‘clean break’ at the time, I just thought it was an obvious thing. (246, Woman; Survey)

We both wanted it sorted quickly and so tried to be reasonable. (324, Woman; Survey)

Both our abilities to live independently was a high priority and the property was divided to best enable this. (214, Woman; Survey)

I think it was more important for her than me. I wanted an outcome that was fair to both of our positions. (296, Man; Survey)

We both wanted it to be fair to each other, without either of us being greedy in any way against the other. (446, Woman; Survey)

In the end, this was what it was supposed to be all about. Just both starting fresh. (613, Woman; Survey)

Getting everything sorted quickly and inexpensively was the goal for both of us. (364, Man; Survey)

Wanting to get it over and done with was important, as the not knowing if I was going to lose my home etc. was causing a lot of anxiety. Also for him, he wanted to be free to focus on his new relationship. Getting it sorted early was hard as it meant not having an excuse to be in contact after 40 years together, but better because it did not drag the nastiness on and on. (566, Woman; Survey)

Ensuring their children's wellbeing was another reason for wanting a clean break. This meant both parties could move forward financially and emotionally, without conflict over the relationship property impacting on the children. Resolving matters in a timely manner was also thought to provide stability for the children.

Wanted to be able to move on and still function together for the children's sake. (265, Woman; Survey)

I think we both wanted to move on without ruining each other's position and making sure we had our son's care and wellbeing at the top of our thoughts. (219, Man; Survey)

I am happy to have had the 'clean break'. I certainly wanted one because now I don't have to answer to anyone for the financial decisions I make, or question his. It was an area of difficulty with us (both ways). So, really good to have that off our table. Has allowed room for us to remain friends. And really positive for our children too. (416, Woman; Survey)

My basic idea was that both parties should have the chance to go forward in the best way possible and to provide for the children. This was the underlying principle I wanted, and mostly had, applied to the division of chattels. We both needed the basics to set up independent houses. All the children's clothing, toys etc. were divided so that they had what they needed at each house. (341, Woman; Survey)

We were definitely ready to move on from one another and tried to get everything settled quickly to allow that to happen, but with as little stress for our child as possible. I think we felt that the idea of a 'clean break' provided him with consistency and clear guidelines for how things were going to proceed. The last thing we wanted was for a messy separation where our son wasn't sure what was happening and was confused and worried. We had seen this in another family member's separation and both felt that the children involved in that situation experienced additional anxiety, stress, and hurt. Keeping our son well was of the utmost importance. (448, Woman; Survey)

I just wanted it settled so I could move on and not quibble for the sake of our child. (501, Woman; Survey)

I wanted my son to be as little affected by our separation as possible, particularly with regard to his being able to remain in the family home. (167, Man; Survey)

A clean break allowed some participants (and/or their former partner) to access their share of the property division and use these funds to **live on or to purchase a new home**.

I just needed a house of my own rather than rented accommodation - that began the discussion. Partner has a new partner so he was keen to get things tidied up and me out of the business partnership. (485, Woman; Survey)

I wanted a decent deposit to purchase a home to carry on with. (261, Woman; Survey)

My husband needed money to buy rather than rent. He also had a new partner. (268, Woman; Survey)

I needed a settlement from my former wife so that I could buy a house. (176, Man; Survey)

My husband had an affair and dumped his family to be with his mistress. I moved cities and wanted to erase his existence from my life, so it was important to me to wrap things up quickly and buy a new home for my children and I to start our new life in. (302, Woman; Survey)

It allowed me to feel secure owning my property knowing I had worked so long and hard to earn it, also to secure it for my [family]. (459, Woman; Survey)

I felt like I couldn't move on until settlement - and I couldn't as I had nothing to start again with. (197, Woman; Survey)

My ex just stopped paying for anything. I had to get a clean break to be able to afford to live. (356, Woman; Survey)

For others, a clean break meant being able to make **a fresh start, rebuild their life** (and their children's) and **move on emotionally**.

I wanted a fresh start and moved away, brought property in another town and started rebuilding the life I wanted to live. It's been great. (230, Man; Survey)

Clean break – yes, that's all I wanted from him - to live my own life in a peaceful quiet way with my garden and animals. I now have it and feel so much happier. (327, Woman; Survey)

This definitely affected my decision as all I could see was getting my son away so he could be safe in a new home. (370, Woman; Survey)

Very important as my mental and emotional state was fragile and I needed to create a new life for myself. (378, Woman; Survey)

Very important, fresh start no memories. (595, Woman; Survey)

My partner instigated our separation, but ultimately it was I who wanted the clean break. We had briefly parted 10 years earlier and it was emotionally draining and an uncertain time for me. This time I needed to have financial control and stability as quickly as possible to enable me to move on and be independent. (511, Man; Survey)

It was good to sell the family home and buy my own place. It was a good psychological end to the relationship proper. (170, Woman; Survey)

I wanted a clean break so I could just move on and not have to justify anything to him. (439, Woman; Survey)

I had been under emotional pressure for a long time prior to settlement, then had a year of living on a minimal income following separation, so I was very anxious to get it over and start afresh with some financial independence. (517, Woman; Survey)

I needed to have the property settlement sorted quickly as the uncertainty over possibly losing my home at a time when I was barely getting through each day was adding to my distress. I was in shock over my spouse's betrayal. (443, Woman; Survey)

Having **financial independence from a former partner** was important for participants whose former partner had **different financial values or was financially irresponsible**.

He had drug and gambling issues (dishonesty with money), so I wanted a clean break and thought he would step up and care for the kids more if he had his money and could purchase a property. He has not done this. (210, Woman; Survey)

My ex-partner was a compulsive spender. I didn't want decisions that she made to impact me financially after separation. (255, Man; Survey)

I didn't want a single thing connected to him, not even insurance or bank accounts with nothing in them. I didn't want to be affected by his credit rating. But, also, I wanted to be free. (253, Woman; Survey)

I needed to be completely free from him and his financial mismanagement. He wanted to take the money and leave town. (413, Woman; Survey)

I think a clean break is important especially if you have different ideas on financial stability and comfortable debt loading. (574, Woman; Survey)

I had no trust in his financial competency. Made sure I had no financial connection as soon as was practicable. (533, Woman; Survey)

I needed to stop him spending any more money that we didn't have. (229, Woman; Survey)

I didn't want any more of his bloody debt. \$70k of his business debt when he was hiding things from me, but had my name on his business. Manipulated for years and years. (652, Woman; Survey)

I did not want anything to do with him financially as he had lied for 10 years. I had felt financially safe leaving my job to be a stay-at-home parent. Being left single, four children and being told I had no rights to anything in the trust was devastating. I wanted a clean break as there was no way I would ever trust him again. (391, Woman; Survey)

For others, a clean break was not just about being financially independent from their former partner, but was more about **severing all ties and having no ongoing relationship**. This was particularly true when there had been family violence and abuse. Of those who reported that there had been family violence in their relationship, 81% rated having a clean break as 'very important', compared with 70% of those participants who did not report any family violence. Being financially independent from an abusive former partner lessened ongoing abuse and control and minimised or eliminated all contact between them.

I just wanted the prick out of my life. (405, Woman; Survey)

The less I have to do with him, the better. His desire to continue controlling me meant being as independent as possible was essential. (189, Woman; Survey)

I think it does when you have been in an abusive relationship, you just want to break all ties and get out of the situation. (180, Woman; Survey)

I wanted a clean break because I didn't ever want to have to deal with him again. (198, Woman; Survey)

I wanted to have as little as possible to do with him. Dividing the assets was crucial for that. (213, Woman; Survey)

I wanted to get out of the situation where he held financial power over me. (273, Woman; Survey)

Absolutely. I needed to be free of him in all ways (except sharing my children). It was one less tie to him and the trauma. (417, Woman; Survey)

I didn't want to have anything to do with him, so wanted it resolved as quickly as possible with as little contact as possible. (293, Woman; Survey)

I needed to be completely free from him, otherwise he controls and manipulates. (380; Woman; Survey)

Any ongoing financial arrangement, child support, spousal support, would be an opportunity for further abuse from my ex-husband using power and control. (410, Woman; Survey)

He has been awful to me since leaving and I just wanted it done so I could move on with my life. (404, Woman; Survey)

I am prepared to put myself into unmanageable debt just to be free of him. (538, Woman; Survey)

I wanted no more to do with him because of the assault. (185, Woman; Survey)

I needed to get away from him, so just accepted what I could, rather than deal with how many more years of him. (613, Woman; Survey)

For some participants, having a clean break and complete financial independence from their former partner sometimes came at the **cost of receiving less than what they were entitled to** in the property division, but they regarded this as worthwhile.

My desire to make a clean break, as I could not put up with the psychological and emotional abuse anymore, meant that I accepted less than what I think was fair. (169, Woman; Survey)

This was one of the reasons I was prepared to accept a less than fair property division. (211, Woman; Survey)

Wanting a clean break contributed to my decision to agree to him taking more than he'd contributed. (226, Woman; Survey)

By letting my partner take more than his share it enabled me to have a 'clean break'. (240, Woman; Survey)

Yes, I was okay to sacrifice things to just get out and start over. (239, Woman; Survey)

I just wanted it over, so took the deal to get away from it once and for all. (359, Woman; Survey)

I wanted to not be tied to him anymore. In the end, this was at whatever cost in the relationship property. (407, Woman; Survey)

I just wanted it over. I left assets I should have either taken, or had properly valued. (513, Woman; Survey)

I accepted significantly less than what I was legally eligible for because I was tired of the prolonged discussions and wanted to be able to get on. At the end of the day, it was the right decision. ... Some things are not worth it. I enjoy a wonderful relationship with my [family] and I am now financially independent. All is good. (573, Woman; Survey)

In the end, I realised my life and health was more important than money. (617, Man; Survey)

I just wanted out at any cost. (231, Man; Survey)

I just wanted it done, so probably agreed to things rather than arguing. (263, Woman; Survey)

I accepted his assessment of the property value and I left a lot of stuff behind to make it easier to leave. (524, Woman; Survey)

I didn't want to spend months/years negotiating and dealing with former partner's behaviour for the sake of \$\$\$. (449, Woman; Survey)

Clean Break Not Necessary or Desirable

For some participants, the concept of a clean break was not regarded as necessary or desirable, especially when the relationship with their former partner was **amicable and friendly**.

It was only finances that needed to be sorted. We remained in contact after settlement. (298, Woman; Survey)

It is important to both of us to remain good friends. We share children and grandchildren between us, and his new wife fits in with us so well. (366, Woman; Survey)

We remain friends. ... My two reasons to formalise were to satisfy bank requirements and untangle so I am not affected by ex's current partner's actions/whims. (442, Woman; Survey)

I was hoping we could still remain friends. I had an ongoing relationship with his daughter and grandchild. (234, Woman; Survey)

A **clean break between parents** was not considered possible or desirable by some participants.

Having kids together means we still have responsibilities for them and, by extension, toward each other. (170, Woman; Survey)

We still have a child together. Our child lives with me 100% of the time and we have a lot of contact with my ex-partner and her family. So, although we are financially independent, I really don't feel like I've had a 'clean break' or started 'afresh' in any other sense! (224, Man; Survey)

There is no clean break when you have children to raise. (414, Woman; Survey)

It isn't possible to have a 'clean break' when one partner ends up with all the financial and other responsibility for the children. (220, Woman; Survey)

It ... doesn't always work as my ex is still dependant on me to fully support the kids' costs, even with 50-50 care. (201, Man; Survey)

Several other participants did not believe the concept of a clean break was possible when there was **income disparity** between the former partners or situations of **high conflict and family violence**.

Even though I got half of everything I still ended up worse off as my earning power is so, so much less than my ex-husband's. So it's a clean break for him, not so for me. (352, Woman; Survey)

I made decisions and settled without being satisfied to stop the litigation!! I don't believe I was adequately remunerated for the items I chose not to fight for. In that sense, a clean break only works if one is financially stable or employed/employable. (385, Woman; Survey)

I wanted us to have a clean break, but no clean break was possible because the process does not support it. It is a principle that has no application in practice when you are dealing with high conflict parties/matters. (387, Woman; Survey)

No, it's a crazy, irrelevant and irresponsible concept as it's used to excuse, exonerate and reward men for their horrendous domestic violence at all levels. It's an immature, selfish, crazy concept. (398, Woman; Survey)

This was not a concern for my partner. He has a family business with unlimited income. Years later, I am still unemployed. (411, Woman; Survey)

I did not get a clean break because I continue to be disadvantaged by the settlement to this day. My ex definitely got a clean break and has since remarried. (345, Woman; Survey)

Discrepancy Between Parties on the Need for a Clean Break

Some participants' **need for a clean break was not always reciprocated** by their former partner when one party wanted to sever financial (and other) ties and the other did not. This meant some participants had felt pressured to resolve the property division quickly. Those who had not wanted the relationship to end were sometimes not emotionally ready to move on.

My partner wanted the clean break and wanted it fast. It felt surreal at the time. I didn't want my marriage to end and I didn't understand why he left or what couldn't be resolved. (237, Woman; Survey)

He left. A clean break was an inevitability, not a choice for me. (563, Woman; Survey)

It put pressure on to reach a fast resolution. (297, Man; Survey)

My ex wanted a clean break as soon as he walked out on our marriage. He pushed and pushed to get this done quickly so he could move on without me. I think he agreed to more in my favour because he was in such a hurry. I never tried to hurry him and continued to contribute to his separate living expenses until our separation agreement was signed and settled. So, he had plenty of opportunity to make a better end result for himself, but his whole focus was on getting things sorted quickly. He did himself no favours there. (233, Woman; Survey)

Former partner was pushed by his partner at the time to 'move on'. I was very keen to finalise our independent financial status from each other, but keen to keep things stable and consistent for the kids, so not as worried about a 'clean break' to buy new property. (490, Woman; Survey)

My partner wanted a 'clean break' so that he could build a new life with the woman he left me for. ... He was employed, I was not. I would not be able to buy another house, or to carry the mortgage on the family home in my own name. He knew that, and continued to pressure me into allowing him to buy me out of the house. (190, Woman; Survey)

The desire to move on quickly, when their former partner did not feel the same way, meant that some participants **settled for less** than what they were entitled to, or their **desire for a clean break was used against them in the settlement**.

Yes, especially if the other person doesn't want to. Or they think that you'll give them whatever they want because you want it to be over. (515, Woman; Survey)

I just wanted stability for my kids. Keeping the house was important and he knew it. (542, Woman; Survey)

A clean break meant walking away with nothing so my ex would stop harassing and threatening me and the children. (584, Woman; Survey)

We stayed together for about six months after I told him I wanted to split because he wouldn't move out even after I had paid him. In the end, my son and I moved out as we were unsure of his mental stability, even when drinking. Yes, I paid more to move things along faster. (313, Woman; Survey)

I was eager to move on with my life and he wasn't, which meant I conceded to more of his demands in order to get a quick resolution. (316, Woman; Survey)

It meant I walked away from all rights to any assets and was left with all debt. (544, Woman; Survey)

Differences between parties regarding the importance of having a clean break could have **implications for whether houses were sold or money was left in property**. Several participants would have preferred to have retained the family home, holiday home or investment property but, because the other party wanted a clean break, these properties were sold.

Family home was sold rather than me staying in it as this would have meant ex-partner would have had to leave money in it. Same went for holiday home. (514, Woman; Survey)

My wife wanted a clean break, meaning more pressure on selling our rental which I had moved to as it was a higher value than the family home where she continues to live. (503, Man; Survey)

He wanted a clean break, but we could have kept our investment properties for a while longer to help us both become more financially secure. (390, Woman; Survey)

Conversely, other participants outlined how **offers were made to help** a former partner remain in the home.

He offered to leave part/all of his share of the settlement against my new mortgage, to help me pay it off until he wanted to purchase a home. I declined, just because I wanted a clean break. (186, Woman; Survey)

I agreed to pay-out over time, so he didn't have to sell the house. (322, Woman; Survey)

Unfortunately for some, **their desire for a clean break to start afresh, did not eventuate**.

I just wanted to get on with creating a new life for myself. Not to be. (466, Man; Survey)

I wanted to move on with my life. The court kept the game going for years. (412, Woman; Survey)

We thought it was a clean break, but has ended up causing enormous issues. (430, Man; Survey)

In the end, part of the settlement agreement was that he remains on the deed, but without any further financial responsibility for the mortgage payments, insurance or rates, until I am 65 and can draw my superannuation, cash out my KiwiSaver and continue to work - enough to be able to refinance the house in my sole name. I am also required to repay him a year's worth of spousal support over the next three years from refinancing. If I could have, I would have liked a clean break as well, as I really do not want to see the lying, cheating, back-stabbing, conniving bastard ever again, never mind have to be polite when we are together at the bank. (190, Woman; Survey)

I just wanted my money from my house sale to be able to buy a new home, downsize and settle any outstanding debts. To have a home for myself and my adult children to call home. My house sale money was put in an account by my family lawyer and I couldn't touch it until the case was over. I was homeless and without any assets or money in the bank. I was 59 and I was made destitute. (129, Woman; Survey)

I wanted to leave immediately, as soon as we separated, but I couldn't. I knew I'd get nothing if I left [the property], so I stayed and had a breakdown because of the stress from the years of psychological and financial abuse that just got worse after the separation because he was trying to drive me off the [property]. If he had been a civilised human being and settled immediately myself, and our children, wouldn't have suffered the emotional damage we all have. (116, Woman; Survey)

The Impact of the Property Division

The survey asked participants if, and how, the division of property with their former partner had impacted on them personally, their financial situation, their relationship with their former partner, and their children (see Tables 49, 50 and 51).

Table 49: Did the division of your property affect you in any of the following ways?

	<i>n</i>	%
I moved house	192	50.8%
I moved to a new neighbourhood/town/city	137	36.2%
My financial situation improved	80	21.2%
My financial situation worsened	216	57.1%
My relationship with my former partner improved	35	9.3%
My relationship with my former partner worsened	146	38.6%
None of the above	17	4.5%

Table 50 presents, firstly, the proportion of participants who indicated that dividing their property had affected them in each way, and then their ratings of whether this impact was a positive one, a negative one, or had a mixed (both positive and negative) impact.

Table 50: How did dividing your property affect you personally? It affected my ...

	Impact %	Positive impact %	Mixed impact %	Negative impact %
Physical health and wellbeing	55.0%	11.5%	32.7%	55.8%
Mental health and wellbeing	84.1%	9.7%	39.9%	50.3%
Financial wellbeing	80.4%	12.2%	32.2%	55.6%
Relationship with my former partner	50.8%	5.2%	22.4%	72.4%
Relationship(s) with my child/ren	29.9%	31.0%	48.7%	20.4%
Relationship(s) with other family members	22.2%	8.3%	54.8%	36.9%
Employment/work/career	36.8%	9.5%	29.2%	61.3%
Ability to earn an income	26.2%	14.1%	23.2%	62.6%
Parenting	27.2%	22.5%	54.9%	22.5%
Other	1.6%	-	16.7%	83.3%

As Tables 49 and 50 show, relationship property division did impact on many participants' lives. Less than 5% reported that their property division had *not* had an impact on their place of residence, their financial situation, or their relationship with their former partner.

Dividing property with a former partner affected most participants' mental health (84%), financial wellbeing (80%) and physical health (55%). Just over half (51%) reported that it

affected their relationship with their former partner, predominately in a negative way (72%).

A general trend emerged, whereby more people rated the property division as having a negative impact on aspects of their lives. As shown in Table 49, it was more common for participants to report the property division having a negative impact on their financial situation (57%) than a positive one (21%). Similarly, more participants reported the property division having a detrimental impact on their relationship with their former partner (39%) than thought it had a positive impact (9%).

This trend is shown again in Table 50, whereby more participants rated an impact as negative, followed by a mixed impact, with far fewer (less than 15%) rating an impact as being positive. This was evident for their physical and mental health and wellbeing, financial wellbeing, relationship with their former partner, employment/work/career, and ability to earn an income. Between 50 and 72 per cent of those participants who thought these aspects of their wellbeing were affected, rated them as being negatively affected by the process or outcome of dividing property, compared to between 5 and 14 per cent who rated the impact as positive. An exception to this involved the ratings for the impact on their relationships with children and other family members, and parenting, where rating the impact as having both positive and negative impacts was more common. Only around a fifth of those who reported the property division affecting their relationship with their children and their parenting rated this as a negative impact.

Qualitative data from survey responses provided greater detail about the impact(s) of dividing property with a former partner on particular aspects of participants' lives. For some, such impacts were intertwined with the impact of their separation. Participants outlined impacts relating to the *outcome* of the property division and how this had affected their lives subsequently and impacts relating to the *process* of the property division. These included the impact on participants' living situations; financial security and wellbeing; relationship with their former partner; mental and physical health; employment, work and career; subsequent relationships; children; and positive impacts.

Impact on Living Situation

As shown in Table 49, just over half (51%) of the survey respondents moved house and over a third (36%) moved to a new neighbourhood, town or city. As well as relocating, comments from some survey respondents indicated that, due to their financial situation, they were unable to purchase a new property and/or their accommodation was unstable and/or of poor quality.

I can no longer buy a house or rent a house as there is insufficient income. (246; Woman; Survey)

Fed up of living with the children in a mouldy rental while he lived in a nice place. (561, Woman; Survey)

We moved five times in one year, seven times in two years, until we found stable housing. (411, Woman; Survey)

Some participants noted the **reduction in the standard of their housing** after the property division.

Because of the actions of my former husband, we took a substantially reduced amount for our house just to be done. I lost \$150,000 from what it should have been sold for and gave him \$80,000 more than he should have gotten. When I look at my bare land with no house, in a completely different part of the country, that was all I could afford. I think about where I could be with an extra \$230k. (133, Woman; Survey)

As I was sixty when the divorce occurred, and I had to move to another part of the country to be able to afford to live, my job prospects were limited due to my age and the availability of work - as I am now in a poorly part of NZ and living in my friend's garage and living on the money from the sale of the house. It would have taken all my money to buy a property here, but with no guarantee of a full-time job I decided not to do that and spent some money to make the garage comfortable. I only have a water tap outside and no sewage, so I use a camping potty, but I do have electricity and an element for cooking, I go up to the house to shower. ... So, my living circumstances have changed dramatically from a four bedroom house to a garage. (599, Woman; Survey)

Moving from the family home could also be an emotional wrench.

My ex-husband bought me out of our former home, which I was sad to leave, but felt unable to stay in for financial and emotional reasons. (583, Woman; Survey)

My emotional link to the property, as it was previously my parents' home, especially when he isn't taking care of it. ... I gave up the house we had bought from my parents; something I still struggle with emotionally. (349, Woman; Survey)

Impact on Financial Security and Wellbeing

As shown in Table 49 the majority (57%) of the survey respondents reported that the division of their property had had a negative impact on their financial situation. For those who indicated their property division had affected their financial wellbeing, a similar proportion (56%) reported the impact was a negative one (see Table 50). For some participants, this was due to the outcome of the property division itself, whereas, for others, it was related to having to move or care for children, affecting their ability to earn an income. For others, having a low income, rather than a joint income, led to a negative impact on their financial wellbeing. Nearly two-thirds of those who found dividing their property had impacted on their employment and/or ability to earn an income reported this impact as being a predominately negative one (61% and 63% respectively), which may have contributed to a **worsening of their financial situation**.

I found it stressful and was anxious about how I was going to afford to live as my income was significantly less than our previous joint income. (514, Woman; Survey)

Very hard to start again and to survive when paying maintenance, a financial killer. (193, Man; Survey)

I had to take on an extra mortgage to pay out. ... It has added another 10 years to my mortgage, so I won't be mortgage free until I'm 75! (227, Woman; Survey)

For the first year after the settlement, I had so little money that I couldn't afford to heat my house properly in winter. Condensation was so bad that water dripped from lightbulbs. I cut back on all luxuries, such as eating out or trips, ate as little and as cheaply as I could, while I retrained in order to be able to work – not much on offer for women over 60 in the job market. (190, Woman; Survey)

Relinquishing ownership of the family home meant I had no assets. I let her keep the car also. It turned out that, with no assets, my bank decided it wouldn't lend me any money to buy a car and this meant visits to my son were problematic. (167, Man; Survey)

The financial abuse prior to the break-up related to cheating, so my lack of funds to pay him off meant taking on additional mortgage funding and borrowing from parents, which was frustrating and embarrassing. It will take 20-30 years to pay off the agreement, whereas he left with cash (having entered the relationship with debt). This still feels immensely unfair. (306, Woman; Survey)

I have had to get a permanent job so that I can raise a mortgage with the bank to pay him out. ... The fact that he has already withheld \$500,000 from our relationship using extreme violence is sadly and tragically irrelevant. (398, Woman; Survey)

Bankrupted as a consequence of being forced to sell property [at a loss]. (309; Woman; Survey)

I struggled for months after to pay bills and for food because of the debt and money required to buy furniture and household items. (567, Woman; Survey)

Because of my age I am unable to recover from the separation. Hard to save for retirement. If I am unable to work for any reason, I would get very little help from govt. (482, Woman; Survey)

I owe him [around \$100,000]. He is living in a brand-new home, with a new car, and wife, while I have an expensive older property to maintain. I receive the government superannuation only. (145, Woman; Survey)

My marriage to this person has set me back financially by at least 10 years. (169, Woman; Survey)

The **inability to access financial resources** during the property division process had implications for some participants. Not having access to funds, or having to continue to pay a mortgage in the interim period between the separation and settlement, could be problematic financially. In some instances, it was the actions of their former partner that had left them with no income.

Because of delays in settlement and a difficult partner I wasn't able to continue with my career path as continuing involved moving to another town. I wasn't able to afford to move and keep up with payments for the house and my partner wasn't contributing and wouldn't agree to sell. He kept me in this holding pattern by not agreeing to anything. (317, Woman; Survey)

Until the house was sold my financial situation was tough as I still had to pay the mortgage and rent as I moved out after I found out my wife was having an affair. (201, Man; Survey)

Couldn't borrow any further monies because of the mortgage. (278, Woman; Survey)

No access to capital for nine years. (472, Woman; Survey)

My ex-husband stopped working for our business, and used our long-term clients, our plant and vehicle to start another, leaving me and the children without any income and himself with all of the income. (408, Woman; Survey)

We were lucky to own the house mortgage-free. We also had savings in the bank. At the time of separation, without my knowledge, my ex-partner had those savings frozen. He also stopped his income from coming into our joint account, without letting me know. I was left with no access to any of our money and no money of my own coming in. (341, Woman; Survey)

Just over a fifth (21%) of the respondents reported an **improvement in their financial situation** (see Table 49). For some participants, feeling more financially secure after the separation and property division related to no longer being tied to their former partner and having financial independence, even if their income was lower than prior to the separation.

Financially, I'm worse off because I'm on my own, but better off because I'm not liable for his debt or spending habits. (199, Woman; Survey)

It was a relief to have things concluded. The settlement was minimal and unfair, but I then had the freedom over my own income. I was free of spousal maintenance and he was a BIG spender and womaniser – no longer my problem. (573, Woman; Survey)

Now responsible for my decisions. I make the money and know where it goes. (615, Woman; Survey)

Selling the property meant I was financially independent again, meant I was free to chase career opportunities, meant I no longer had debts that had resulted from the relationship. I was free and able to achieve my own goals. (232, Woman; Survey)

I had not considered how it was both positive and negative. Financially, I am so much worse off, but so much better off because he was gambling and hiding his spending. (210, Woman; Survey)

Financial situation worse due to funding of settlement, but financial outlook better due to less ongoing cost of partner. (604, Woman; Survey)

After 37 years of marriage I had independence. I knew that money I put in the bank would still be there when I went to use it. (513, Woman; Survey)

Financially, exclusive control over money is good for me even though I have to work two jobs. ... I felt my finances were better even though life was now more expensive. I thought I was better off because I had total control over those expenses. (475, Man; Survey)

Others reported that recovering their financial security after the property division **was helped by having the time and focus to devote to their career, business or study.**

Whilst I returned to study and am now in a better position financially, I was initially poorer. (489, Woman; Survey)

Separation allowed me to concentrate on my business ventures, which created good income. (325, Man; Survey)

I was early forties at the time and I've gone on to be okay financially. However, if I was in my fifties or sixties that wouldn't have been possible. (575, Woman; Survey)

Changes in Financial Security Over Time

Survey participants rated how financially secure they felt at three time points:

1. During the last year of their relationship with their former partner.
2. After the property division was finalised.
3. At the time they completed the survey.

See Figure 16 for participants' ratings of financial security over these time periods.

Figure 16: Ratings of financial security over time

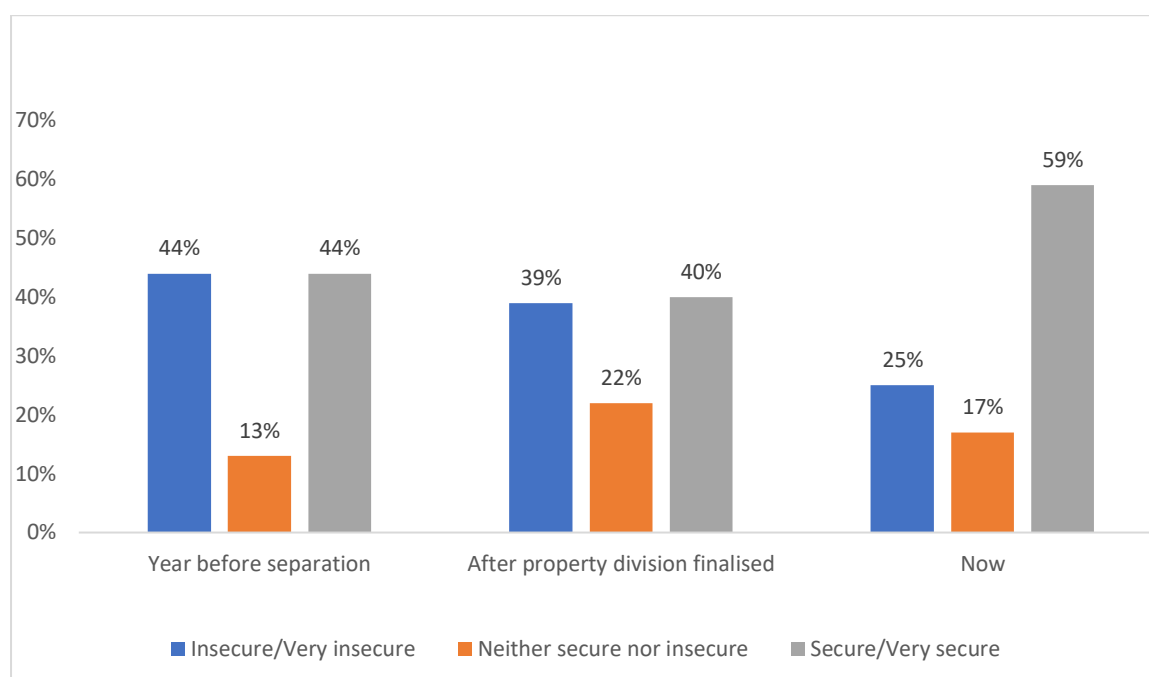


Figure 16 shows near identical proportions of respondents who felt financially secure and those who felt financially insecure, both prior to the separation and after the property division was finalised. However, at the time they completed the survey, far more participants (59%) felt financially secure than felt insecure (25%).

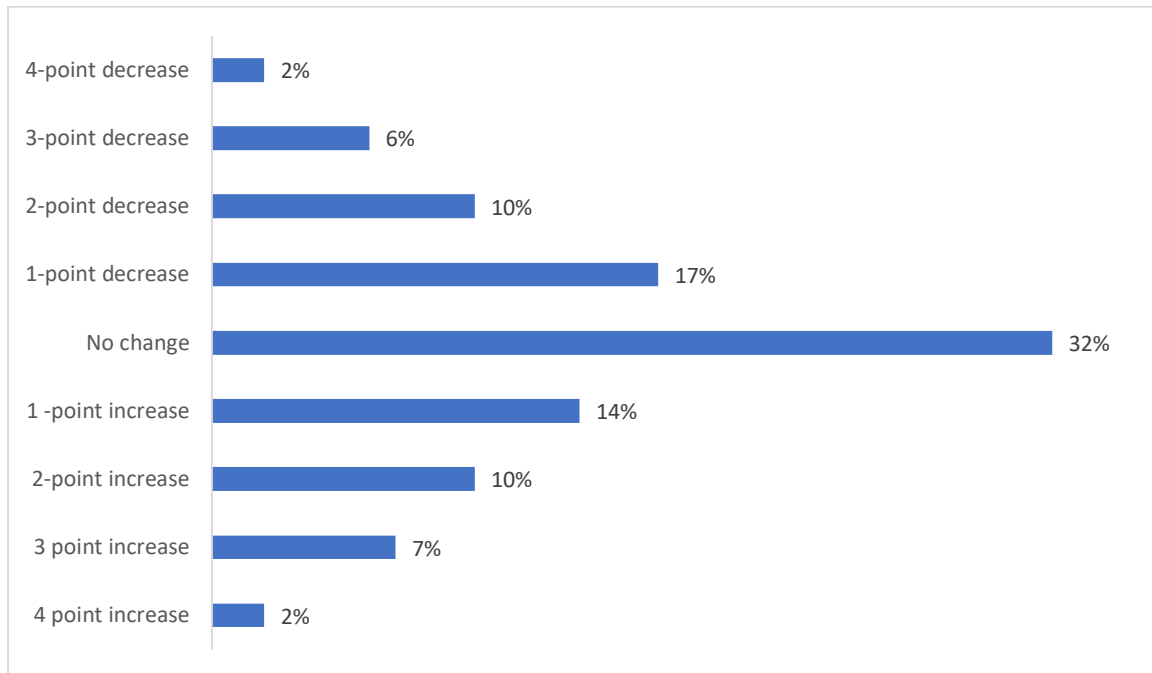
Table 51 and Figure 17 present the degree of change between participants' ratings of how financially secure they felt during the last year they were with their former partner and when the property division was finalised. The rating scale went from 1=Very insecure to 5=Very secure. A negative change between the two time points indicates an increase in financial security.

Table 51: Change in ratings of financial security – during year prior to separation and after finalisation of property division

Rating difference	<i>n</i>	%
-4 (increase in financial security by 4 points)	7	1.9%
-3 (increase in financial security by 3 points)	26	6.9%
-2 (increase in financial security by 2 points)	38	10.1%
-1 (increase in financial security by 1 point)	53	14.1%
0 (no change in financial security)	119	31.7%
+1 (decrease in financial security by 1 point)	63	16.8%
+2 (decrease in financial security by 2 points)	38	10.1%
+3 (decrease in financial security by 3 points)	23	6.1%
+4 (decrease in financial security by 4 points)	8	2.1%
Total	375	100%

As shown in Table 51, around a third (32%, $n=119$) reported no change in their feelings of financial security, 35% ($n=132$) reported feeling less secure after the property division was finalised compared with the year prior to separation, with another third (33%, $n=124$) indicating that they felt more secure.

Figure 17: Changes in financial security – during year prior to separation and after finalisation of property division



As Figure 17 shows, it was more common for there to be moderate or no changes to financial security after the property division was finalised. Less than 10% of participants changed their ratings more than 2 points (which indicates a change from feeling insecure to secure or vice versa). Therefore, those participants who did report a change in their financial security after resolving their property division, mostly reported changes in the degree of insecurity or security they felt.

The same analysis was repeated by examining changes in financial security between when the property division was finalised and when the participant completed the survey (see Table 52). The majority (52%) of the participants reported no change in their financial security, with 38% indicating an increase, and only 10% reporting a decrease in their financial security.

Table 52: Change in ratings of financial security – after finalisation of property division and now

Rating difference	<i>n</i>	%
-4 (increase in financial security by 4 points)	4	1.1%
-3 (increase in financial security by 3 points)	13	3.5%
-2 (increase in financial security by 2 points)	38	10.1%
-1 (increase in financial security by 1 point)	88	23.5%
0 (no change in financial security)	195	52.0%
+1 (decrease in financial security by 1 point)	33	8.8%
+2 (decrease in financial security by 2 points)	4	1.1%
+3 (decrease in financial security by 3 points)	0	-
+4 (decrease in financial security by 4 points)	0	-
Total	375	100%

Just over a half (51%) thought that they were currently in a worse financial position than their former partner, with 36% rating their financial situation as better, and 13% reporting no difference.

Impact on Relationship With Former Partner

Overall, 39% of the participants reported the division of the property had a detrimental impact on their relationship with their former partner, while 9% reported an improvement (see Table 49).

Just over half (51%) of the participants thought that dividing property had affected their relationship with their former partner in some way (see Table 50). Of these, nearly three-quarters (72%) reported the impact as negative, 22% reported a mixed impact and only 5% rated the impact as positive.

The survey asked participants to rate the quality of their relationship with their former partner at the time they were dividing their property and now (when they completed the survey) (see Table 53).

Table 53: Quality of relationship with former partner

Rating	At time of property division (<i>n</i> =378)	Now (<i>n</i> =364)
Very poor	41.8%	38.2%
Poor	23.5%	15.4%
Neither poor nor good	18.5%	22.3%
Good	12.7%	17.6%
Very good	3.4%	6.6%
Total	100%	100%

Nearly two-thirds (65%) of the participants described a ‘poor’ or ‘very poor’ relationship with their former partner at the time they were dividing their property, with only 16% describing the relationship as ‘good’ or ‘very good’. These relationships appeared to have improved slightly over time, with 54% rating the relationship as ‘poor’ or ‘very poor’ at the time of survey completion, and nearly a quarter (24%) rating it as ‘good’ or ‘very good’.

Table 54 presents the degree of change between participants’ ratings of the quality of their relationship with their former partner from when they were dividing property to when they completed the survey. The rating scale went from 1=Very poor to 5=Very good. A negative change between the two time points indicates an increase in relationship quality.

Table 54: Change in ratings of the quality of the relationship with former partner – from when they were dividing their property to now

Rating difference	<i>n</i>	%
-4 (increase in relationship quality by 4 points)	0	-
-3 (increase in relationship quality by 3 points)	8	2.2%
-2 (increase in relationship quality by 2 points)	35	9.6%
-1 (increase in relationship quality by 1 point)	69	19.0%
0 (no change in relationship quality)	195	53.6%
+1 (decrease in relationship quality by 1 point)	40	11.0%
+2 (decrease in relationship quality by 2 points)	15	4.1%
+3 (decrease in relationship quality by 3 points)	2	0.5%
+4 (decrease in relationship quality by 4 points)	0	-
Total	364	100%

Just over half (54%) of the respondents reported no change in the quality of their relationship with their former partner over time after the property division, with 16% reporting a poorer relationship, and nearly a third (31%) reporting an improved relationship. Changes in relationship quality were not extreme with less than 3% (*n*=10) describing a poor/very poor relationship at the time of the property division, but a good/very good relationship at the time they completed the survey (or vice versa) as indicated by a decrease or increase of more than 2 points.

An analysis of changes in relationship quality as a function of the way the property division was resolved is presented in Table 55.

Table 55: Changes in relationship quality by dispute resolution pathway

Rating difference	Self (<i>n</i> =173)	Professionals (<i>n</i> =159)	Courts (<i>n</i> =26)
Relationship quality improved after property division	34%	31%	19%
No change in relationship quality after property division	46%	58%	69%
Relationship quality deteriorated after property division	20%	11%	12%
Total	100%	100%	100%

As shown in Table 55, for all dispute resolution processes, the majority reported no change in the quality of their relationship with their former partner over time, but this was much higher for those who had used the courts (69%, compared with 58% of those who had resolved the matter through professionals (such as lawyers, mediators), and 46% who self-resolved with no or limited involvement with family justice professionals or services. Around a third of those who had resolved their property division themselves with their former partner or through professionals (34% and 31% respectively), reported an improvement in their relationship after resolution, compared with less than a fifth (19%) of those using the courts. Conversely, the proportion (20%) of 'self-resolvers' whose relationship with their former partner deteriorated after the property division was almost twice that of those dividing property through professionals or the courts (11% and 12% respectively). However, it should be remembered that for those using professionals or the courts, the proportion who described their relationship at the time of the property division as poor or very poor was very high (84% and 100% respectively) compared with only 42% of 'self-resolvers'. It could be the case that, in a sense, the relationship could not get much worse over time, thereby accounting for the comparatively low proportion reporting a decrease in relationship quality.

Impact on Mental and/or Physical Health

The high level, and often prolonged nature, of the stress involved in dividing property as detailed earlier could have a **significant impact on the participants' physical and mental health**. As shown in Table 50 earlier, 55% of the participants thought their physical health had been affected by the property division, and 84% thought their mental health was impacted. Of those, 56% thought their physical health had been negatively affected and 50% thought their mental health had been negatively affected. When proportions of those who reported the property division having a mixed impact (both positive and negative affects) were included, around 90% indicated some negative effect on their physical (88%) or mental (90%) health. Only 12% of those whose physical health had been affected by the property division and 10% of those whose mental health had been affected said the impact was only positive.

Comments from participants highlighted the toll that the property division had had on their **mental and/or physical health**. Participants described a range of **mental health impacts** including suffering depression, post-traumatic stress disorder, anxiety, and insomnia. A small number reported having breakdowns, some requiring hospitalisation, and being suicidal. Others reported smoking or drinking too much, and either over- or under-eating.

I was so upset and psychologically abused that I became suicidally depressed. (287, Man; Survey)

I was very distressed during that time. Unable to swallow solid food. I lost a lot of weight, had to change jobs to earn more, and I had regular counselling. I cried daily and had sleeping problems. (566, Woman; Survey)

The stress aggravated an auto-immune condition, but having things finalised eased it. (206, Woman; Survey)

I smoked a ridiculous amount of cigarettes. (245, Woman; Survey)

A year later I am still struggling with the emotional, physical and financial consequences. (606, Woman; Survey)

It was so nasty and stressful, I have ended up with a permanent physical shake which is worse when I am stressed in any way. My depression deepened as well. I was suicidal for months. (148, Woman; Survey)

PTSD, depression, a bit too much to drink, not enough exercise. (383, Woman; Survey)

I was suicidal and, if it wasn't for the help of a very good social worker, it is very likely that I would have found a way to end my life. (530, Woman; Survey)

I had a mental breakdown and spent two weeks in a care facility. (197, Woman; Survey)

Health-wise, I lost a lot of weight and also got pneumonia, so looked great, sounded terrible. (199, Woman; Survey)

It has left me with an ongoing minor depression. Being so powerless was terrifying. It has left me with anger. (378, Woman; Survey)

Some participants described how they **accepted less than they were entitled to due to their poor mental health.**

I had a breakdown that affected my ability to stand up to the lawyers and general bullying to get me to accept much less than I should have. (188, Woman; Survey)

I was scared to fight for anything and so broken I didn't believe I was worth anything. I believed myself and our child were a burden, that my former partner had carried the financial burden of myself and my child and therefore we owed him more than he owed us anything. It took more than three years for me to realise we were entitled to anything, by which time I believe it was too late to make a claim against his assets. (344, Woman; Survey)

'Loss' was another theme that emerged in the participants' comments about the impact of their property division. They detailed how they found the loss of possessions, including the family home, difficult. Some lost trust in other people, their identity, and the support of family and friends.

It was heart-breaking letting go of things I had contributed in getting. (592, Woman; Survey)

I will find it very hard to trust someone again. (478, Woman; Survey)

Emotionally, it was very taxing. When the separation isn't mutual, the division of personal possessions and mementos can be heart-wrenching or liberating, depending on which role you had in the separation. (611, Woman; Survey)

It was hard to leave the family home and the relationship all at the same time. It felt like a double blow. (541, Woman; Survey)

I lost my home and identity as a farmer. (625, Woman; Survey)

I lost all hope. (227, Woman; Survey)

I was surprised that my family distanced themselves. Some people seem to think divorce is contagious! (186, Woman; Survey)

Don't socialise with old friends. (265, Woman; Survey)

Made it very difficult for me to trust any future partners. (205, Man; Survey)

Lost trust with children. (309, Woman; Survey)

For some participants, the property division resulted in them **losing trust or faith in the legal system**.

I am more sceptical of people and fair legal processes. (179, Woman; Survey)

Lost faith in the system. (561, Woman; Survey)

I have a negative impression of the legal profession. (371, Woman; Survey)

Impact on Employment/Work/Career

Over a third (37%) of the participants reported that the property division had impacted on their employment, work or career, and over a quarter (26%) reported that it had affected their ability to earn an income. Of these, around two-thirds reported that this was a negative impact. The division of property affected the participants' work/careers (or study) in several ways. For some, it was the stress of the process affecting their mental health that impacted on their work, affecting their concentration and ability to function effectively in their job. Having to work while juggling competing and multiple demands, such as parenting, attending appointments relating to the property division and getting the family home ready for sale, were distracting and stressful. Some participants changed jobs or were unable to work during this time due to their poor mental health.

In hindsight, I think I may have had a 'breakdown'. It had a serious effect on my ability to work for several weeks, maybe even months, to fully recover. (422, Woman; Survey)

I had about eight months where I was unfocused at work etc. (324, Woman; Survey)

Trying to agree between ourselves on exactly who got what was miserable and stressful. I wasn't sleeping properly, couldn't concentrate at work, and cried all the time. (233, Woman; Survey)

Parenting and working full-time under great amounts of stress is very challenging. (165, Woman; Survey)

The length of time it took to resolve meant that stress levels were prolonged and constant, so this affects the ability to work well, parent well etc. (565, Woman; Survey)

It was so stressful. I couldn't sleep. This affected my performance at work. I took a lower level job that I knew I could manage during this stressful time; of course, lower paid too. (390, Woman; Survey)

I struggled to regain my career, composure and confidence. (430, Man; Survey)

Because of the need to manage a separation and sale of property my ability to work suffered. Part of my work, and the jobs of my employees, require me to be successful in obtaining competitive grant funding. I believe that this process adversely affected my success in this, and therefore not only affected my career, but that of my employees. (169, Woman; Survey)

Time away from work to sort things out and attend appointments. (393, Woman; Survey)

I got bad grades at uni. (463, Woman; Survey)

Parents who had to take on more care of their children after the separation also found this impacted on their career and earning ability, often at a time when their financial situation was already compromised by the separation and the property division. These parents had to **reduce their hours of employment or take on a lower paid role** in order to care for their children.

I had to change my role. I now earn less than my original position and I can't do extra to earn more because I have our son full-time. (594, Woman; Survey)

I am more restricted in my ability to change jobs; childcare before and after school being the main one. (254, Woman; Survey)

I have had to take a step down career-wise and income in order to minimise child's time in care. My choice based on what's best for him. (322, Woman; Survey)

I needed to get work; but could only get part-time work, as I still needed to be home for our daughter who was 10 at the time. (335; Woman; Survey)

I went from earning \$120k a year in [city] to \$69k in [town] for doing [the] same contract work. ... I had to change jobs due to my son's behaviour and my health and now earn \$49k. (543, Woman; Survey)

Some participants had to change their jobs due to **needing to relocate** for financial reasons, while others lamented having to **increase their hours of employment** or **continue working** as a result of their financial situation.

I am really unwell, but I have had to force myself in my old age to get well enough to return to work instead of enjoying a much needed retirement. (398, Woman; Survey)

Once house was sold - took two years to get settlement through the Family Court. Had to move to [city] to stay with parent and change jobs. (277, Woman; Survey)

Had to return to work full-time. (366, Woman; Survey)

To be brutally honest, I wish he would drop dead. To know that I had to keep going to work to recoup the money I had had to pay to him so that he could continue to 'sit on his arse and do nothing' was galling to say the very least. (530, Woman; Survey)

Impact on Subsequent Relationships

Participants were asked whether their experience of dividing property with their former partner had affected how they had, or might, approach new relationships (see Table 56).

Table 56: Have you done, or would you consider doing in the future, any of the following?

	<i>n</i>	%
Talk with your partner about how you would divide your property if you separated	182	48.1%
Get a prenuptial agreement/contracting out agreement	213	56.3%
Choose not to live with your partner	146	38.6%
Put your assets in a trust	115	30.4%
Get legal advice before living with or marrying someone	171	45.2%
Something else	34	9.0%
None of the above	45	11.9%
Skipped question	2	0.5%
Total	378	100%

The majority (88%) of the participants indicated that their experience of dividing property with their former partner had affected the way they had approached, or might approach, subsequent relationships. Getting a prenuptial, or contracting out, agreement was the most common step, which 56% indicated they had already taken or would consider taking in the future.

Less than half (48%) said they had discussed, or would discuss, the issue of how property would be divided if they separated with a new partner and/or would seek legal advice before cohabiting or marrying (45%). Nearly a third (30%) indicated they had, or would, put their assets in a trust.

Nearly four in ten (39%) said they had chosen, or would choose, not to live with a partner. Almost one in ten (9%) indicated that there were other step(s) they would take.

By far the most common 'other' response was **to remain single** – over half (59%) of those participants who specified what other steps they had taken, or would take, mentioned this. Some reported being much happier being single, while others related how they were too damaged and/or could no longer trust others. Several participants were adamant they **would never re-partner again** as a result of their property division experience with their former partner.

The unintended consequences of the unfair matrimonial property laws are that many of us are choosing to stay single and won't remarry. Or others (not me) split before the three years are up which is really sad. Loneliness in society is growing. It's affecting our housing crisis too, mental health, and communities, all because the laws are unfair setting those with assets up to be the targets of those searching out a better life. Dating websites abound to help poor foreigners find a way to a more prosperous future. At my age (58), and having had to split my assets twice already, I've decided to stay single and go fishing. (172, Man; Survey)

Never get involved with a man again. I don't trust them. (327, Woman; Survey)

I would never, under ANY circumstances, ever enter another relationship. (530, Woman; Survey)

I have zero interest in another relationship. Not going to make that mistake again. Although my life is much harder now financially, and it's taken me quite some time to get over the grief and anger, I'm actually much happier now than I ever was when we were together. Living on my own is quite pleasant, and once I get my debts paid off and my living expenses to a comfortable level, I will be quite happy never to be involved in another relationship again. (190, Woman; Survey)

I doubt I will re-partner as I am too damaged and would never risk getting exploited and financially exposed again. I don't trust. (557, Woman; Survey)

Not planning on marrying in the future, nor living with another person. Too old for that shit again. (194, Woman; Survey)

It has impacted me in that I choose to never have another relationship. Living with violence, and then the stress of separating emotionally and financially, has led me to never risk that again. (406, Woman; Survey)

I never want another relationship and I refuse to go to any weddings. (398, Woman; Survey)

I've stayed single. I've not actively looked for another 'proper' relationship since the split three years ago. After 15 years it's nice to be on my own, not answerable to anyone. (199, Woman; Survey)

To be honest, the whole experience has made me not want a partner ever again, so I choose to be single from now on. I also have no house and am living with family. I am struggling to find gainful employment as I am an older female and not seen as an asset in the workplace anymore. (185, Woman; Survey)

Others were **cautious about entering into a new relationship** in the future because of the risk of losing their assets.

It's not easy. I have real empathy for people who aren't able to work through it amicably or for those who end up in bad financial circumstances as a result. I count myself very lucky. Communication being key, whenever it takes place. The point about what I would do in a next relationship is good. An upfront talk about assets and such is vital. Especially as children are involved and I feel that what I have now is ultimately my daughters' inheritance (whatever is left). I would expect to honour that for someone else as well. But it could be tricky if not agreed up front and left to courts to resolve. I have a will and Enduring Powers of Attorney in place, but a new relationship could prove a challenge to the asset base. (416, Woman; Survey)

I am 62 years old. Any current property I have is for my child and my extended family - not for a new partner or their family if that was to happen! (578, Woman; Survey)

I have been through two marriage break-ups. The first one was MUCH simpler than the second. It has left me very bitter with the unfairness of it all; dubious about being in a new relationship with the risk of going through it all again. It's not just all about upholding the law, it's also about doing the right thing ... the fair thing, for ALL parties. (335, Woman; Survey)

The property division experience meant that some women were **reluctant to live with any potential new partners** because of the financial risk that moving in together might pose for them should this relationship end.

I'm now far less likely to ever consider living with a partner. I stood to lose all of my savings along with the house and [business] I had worked hard on building up while he turned to alcohol and domestic violence. The fear of losing what I have now fought for is a huge block for any future relationship. (479, Woman; Survey)

I don't want to risk losing what I have, so am unlikely to have another live-in partner. (571, Woman; Survey)

I have no personal property now. My current home is in a trust. It will be a cold day in hell before I let anyone move in. (563, Woman; Survey)

I will never live with anyone again. I want all of the money that I work for to go to my children and I am focused on my career. (489, Woman; Survey)

Similarly, several women who had re-partnered **maintained separate homes** and were cautious about living with their new partner.

I have had a partner for over two years. He has his own home. I refuse to live with him for fear of what would happen if we split. He talks of marriage/formalising our relationship at some point in the future. I cannot entertain the thought. We agree to live separately. He understands my reasons for remaining in my rented house. (345, Woman; Survey)

I have a new partner. We both went through losses, but both managed to keep our family homes. We are in full agreement that we will always have two homes, even if we move in together. We both have children to protect our assets for, so it is good having someone on the same page. It's messy, but it's transparent. (210, Woman; Survey)

I am in a relationship with a man who has never been in a long-term relationship. We are currently looking at living together. I am cautious. I am still getting used to his kindness. I have trust issues, as does he. Yes, it has made me consider what happens cautiously. Each of us owns our own home and each of us has savings and investments, each of us receives the pension, and we both still work as sole traders. He doesn't have children. He has several valuable collections he wants left to organisations. I have children and grandchildren. Who knows? (519, Woman; Survey)

Other comments that participants made about how the property division had impacted on their approach to subsequent relationships largely related to steps they would take, or had taken, to **protect their assets**.

This relationship I was determined that we both bought our own houses (we now use one as an investment property and one as our residential property). (232, Woman; Survey)

I'm looking at buying a property and keeping in mind how to protect what I've got so I don't end up with nothing. (518, Woman; Survey)

At this stage in my life I would be careful about merging my own assets with that of a new partner. I'd rather keep what I have for the benefit of myself and my own children, so that I wouldn't have to rely on a partner's goodwill or have a costly legal battle to maintain financial independence or security in the event of a relationship breakdown. I love my current independence. (170, Woman; Survey)

Not buying a house with anyone, keep everything in my name and my name only. (316, Woman; Survey)

Keep my assets in a trust that was well established before we commenced our relationship. (179, Woman; Survey)

Impact on Children

Impact on Children Aged Under 18

The survey asked whether the property division impacted on any children aged under 18 years (see Table 57) and on any adult children aged 18 and over.

Table 57: Did the division of your property affect any children aged under 18 years in any of the following ways?

	<i>n</i>	%
The children moved house	133	54.7%
The children moved to a new neighbourhood/town/city	70	28.8%
The children changed schools/childcare	31	12.8%
The children's relationship with my former partner improved	25	10.3%
The children's relationship with my former partner worsened	68	28.0%
Other	26	10.7%
None of the above	60	24.7%

N.B. Percentages are out of a total of 243 respondents who did not indicate there were no children aged under 18 at the time of the property division.

Three-quarters (75%) of the 243 participants who indicated that there were children aged under 18, reported that the property division affected those children in some way. Nearly two-thirds (63%) of the respondents reported that there were children aged under 18, whom they were responsible for, living in the household at the time of the separation. The children were most commonly affected by having to move house (55%), with 29% of the participants reporting that children had to move to a new location (to a new neighbourhood, town or city).

Of the 133 participants who reported children moving house, 70 also reported a change in location, meaning that around a quarter (26%, $n=63$) moved house within the same neighbourhood. Overall, 13% of the participants reported that children changed schools or childcare as a result of the property division. Moving house or location did not necessarily mean that children's childcare and/or education changed. Over three-quarters (77%) of those participants who reported children moving house, and 61% of those who reported children moving location, indicated that children did not need to change schools or childcare.

Children's relationships with their parent's former partner (usually, but not always their other parent) tended to be negatively affected by the property division. The proportion of

participants reporting the property division worsened the relationship (28%) was almost three times higher than the proportion indicating an improvement in the relationship (10%).

Eleven per cent of the survey respondents reported some 'other' impact on children aged under 18 years. Several comments related to post-separation issues, such as children having to adjust to dividing their time between two homes or the loss of contact with a parent or stepparent.

Those participants who commented on how their property division had impacted on children mostly reported **negative impacts on children's wellbeing**, relating to residential mobility, financial stress, parental stress, interparental conflict, and children's contact and relationships with one, or both, of their parents.

The property division could result in **residential mobility** with family homes being sold and/or one or more parents and children moving (sometimes more than once). This could lead to children changing schools and moving away from friends and family.

I may have to sell the house which means the children may need to move out of the school zone a long way from their friends and wider whānau. (538, Woman; Survey)

Moving house was hard on them as we left their friends, community etc. I could not afford to buy in the same area. (391, Woman; Survey)

Just was difficult, didn't have our own house for a while, had to rent. (574, Woman; Survey)

The children were in a 50/50 share arrangement - half the time with dad in our family home and half the time with me. We moved seven times in three years. (165, Woman; Survey)

Moving as a result of the property division was difficult on the children and, as the primary caregiver, I bore the brunt of this. (351, Woman; Survey)

I used my equity to put a deposit on another home, but it would have been better for the kids to have stayed in the [original] home. (575, Woman; Survey)

Some participants reported that their children were affected by the **division of household property**, such as furniture.

I had initial custody, but to look after my children properly, was difficult. I realise now there is something concerning children's property. So, if I'd known that at the time, I could have had my children's furniture from the home, and not had them sleeping in unfamiliar surroundings. (385, Woman; Survey)

They had no furniture for a while. (542, Woman, Survey)

Others reported a **reduction in financial security** for some children.

I cannot afford activities (sport etc.) or holidays. My ex refuses to contribute to anything other than child support, which is pitiful. (210, Woman; Survey)

Less overall income for clothes, holidays. (265, Woman; Survey)

The outcome was negative for the children because my ex stopped paying for anything after our settlement because he felt hard done by and that he had no further responsibility to them. He doesn't even buy them birthday or Christmas presents. (315, Woman; Survey)

I have moved on with my life, but this has had a significant impact for my children and their wellbeing in an erosion of the cooperation between their parents and the results of significant and prolonged financial insecurity in the inner-city. (165, Woman; Survey)

I gave her more than I expected and within two years she had spent it all and now my kids suffer as a result. (361, Man; Survey)

The wellbeing of the children has been severely impacted by [the] financial instability of their mother and constant house moving. This has impacted upon all our wellbeing. (165, Woman; Survey)

However, one mother described how the division of relationship property had had a **positive effect** on her children due to their newfound financial stability.

The assurance of having food on the table, money for firewood in winter, clothing and all the other big and small things that were never obtained when needed due to the financial mess he kept us in when still in the marriage. (413, Woman; Survey)

Some participants outlined **negative impacts on children's emotional and mental wellbeing** because the children did not understand what was happening, or there was interparental conflict and abusive behaviour.

They were all traumatised by their father's newly abusive behaviour towards, not just me, but them as well. (408, Woman; Survey)

Visibly upset. Bewildered and confused. Couldn't understand when mummy wanted stuff from my place, they couldn't take it. (287, Man; Survey)

The abuse and threats to sell the house on pick-up made it very upsetting for the kids and me. (529, Woman; Survey)

It was hard for them to witness how much stress this put on myself. I tried very hard to limit the impact on the children. They were now forced to spend time in different houses, but they did adapt and they have grown to understand better as they have grown older and we can have more open discussions about this. I do believe that they were both emotionally affected. ... I was also pregnant with a child to my present

partner and this was a very difficult time carrying a child, giving birth, and her early years were whilst I was going through this property division. ... I am sure she will be affected by this too as I simply was so distracted by this process in her earlier years. I am consciously making up for all of this time with my children now and our relationships are very strong for it. (179, Woman; Survey)

I would have liked to have been able to resolve all matters within 12 months of separation. The ongoing conflict caused serious mental health issues for our child and for me. The child has attempted suicide and has been alienated from me for five years. (387, Woman; Survey)

Others detailed how the property division (and in some cases their former partner's behaviour) had had a **negative impact on children's relationships, and contact, with one or more of their parents.**

My child was used as a pawn to attempt to hurt/control/punish me. Emotional manipulation and lies to negatively affect my relationship with her. (189, Woman; Survey)

My ex-partner used the property division process to influence my children's relationship with me. Planned parental alienation is alive and well in New Zealand. (384, Man; Survey)

My kids were distressed and angry with us both. (571, Woman; Survey)

My former husband moved to another town and this made it difficult for the children to have contact with him. (220, Woman; Survey)

I wanted the children to have stability in the family home. It was subsequently sold for a substantial profit and they were relocated to [another city] that I struggle to reach for contact. (430, Man; Survey)

Impact on Adult Children

Two-thirds ($n=250$) of the survey respondents indicated there were **adult children** (aged 18 years and over) within the family. Nearly a third (31%, $n=77$) of those reported that the division of their property affected the adult children. The impacts on adult children detailed by the respondents were largely negative and included relationships with other family members, having to change residences, issues relating to inheritances and family trusts, financial and emotional impacts. Positive impacts were also described.

Relationships with other family members

Some participants reported that the property division had had a **negative impact on an adult child's relationship with family members**, such as the participant themselves, or more commonly, the participant's former partner (often the adult child's other parent), but also relationships with half-siblings. Most commonly, participants reported their adult children

being upset with one parent's behaviour towards their other parent during the property division.

Loss of trust and faith in him as a father. He made a number of bad calls during the process in an attempt to punish me. (383, Woman; Survey)

They took sides, so some have cut all contact with me. (606, Woman; Survey)

My ex had told my children lies about our respective financial positions. ... Relationship with ex worsened (especially after lies were exposed). Kids felt manipulated and used. (345, Woman; Survey)

Having to change residences

Fourteen per cent reported that there were adult children living in the household at the time of the separation. Therefore, when adult children (or other family members) either lived in the family home with their parent/stepparent, or in properties owned by their parent/stepparent, and these homes were sold as part of the property division this necessitated them **moving**.

Our son was living in our investment property which was sold and he had to go out renting. (548, Woman; Survey)

He no longer could live in his home as my former partner wouldn't let me buy him out. (594, Woman; Survey)

My ex told my children he was suicidal, so they moved into the family home (where he was living) to keep him company. I settled so that the kids would have a home. But my ex ended up wanting to sell anyway because he met someone else and needed money to build a house with her. My children were forced to move out at short notice. As, by then, I was renting a one-bedroom flat they couldn't live with me. (291, Woman; Survey)

One son lived in an apartment we owned and subsequently sold under him leaving him homeless. Husband instigated this. (119, Woman; Survey)

The **lack of a 'home'** (either the family home or a holiday home) also impacted on adult children when these properties were sold.

They no longer had a family home to come back to. (615, Woman; Survey)

I had to rent out part of my house to help pay the upkeep and now don't have spare rooms for when my adult children visit. ... There is no room for them when they stay. (443, Woman; Survey)

They lost their family home as they usually choose to stay with me, rather than their father and his new partner. (583, Woman; Survey)

Issues to do with inheritances and family trusts

Situations were outlined where the property division had resulted in adult children **no longer being beneficiaries of family trusts** that were dissolved or split, and adult children from previous relationships **losing some of their inheritance** when properties were divided between their parent and a stepparent. Passing on **family farms** could also be problematic.

As a family farm, our son was always going to take it over. Financial constraints of paying me out made that difficult, plus the change in the relationship changed his desire to carry on farming. (212, Woman; Survey)

I had children from a previous relationship. My property investment (from the house I had owned by myself) would have been part of their inheritance. Of course, this is gone now. (191, Woman; Survey)

My older child was very angry as his father, who passed away, had contributed greatly to the purchasing of the house. (288, Woman; Survey)

We dissolved the family trust which they were the sole beneficiaries of. (379, Woman; Survey)

All four children (two each) were beneficiaries of the trust that was divided in two. Their legal right to 1/6th wasn't even considered. (118, Man; Survey)

Financial impacts

Property division also had financial implications for some of the respondents' adult children. For some, having less money meant they were **less able to support their adult children**. Others related how their **former partner had withdrawn financial support** for their children. This withdrawal of support meant some parents could not/would not financially help young adult children attending **university** or contribute to their **wedding costs**. Disagreements over property had also resulted in **legal costs for adult children**.

They were both due to start university. He put a huge financial strain on them as I could not afford to pay for everything alone and he would pay for nothing (his lawyer advised they were adults and I could legally just kick them out!!) He has reneged on his share of the financial support that both of us had agreed to provide our children while at university. I do my best to provide it, but I struggle. Neither of our children pay to live with me, but they have had to use their student loan for all other living costs. (350, Woman; Survey)

My older children are adversely affected financially as I am unable to support them in their university studies. (264, Woman; Survey)

Former partner cancelled any provisions for children e.g., life insurance, and will not contribute to their futures e.g., wedding. (449, Woman; Survey)

Their father stopped contributing to tertiary expenses. (249, Woman, Survey)

Verbal agreement that adult child owned half of a holiday property, former partner reneged on this agreement which resulted in legal expenses for this child. (505, Woman, Survey)

Others related how **their adult children had had to support them financially** for a time after the property division.

They watched me struggle financially, but supported me until I was reasonably comfortable. (332, Woman, Survey)

I had to be supported by my kid and she was in financial strain too. (217, Woman; Survey)

Emotional impacts

The sometimes emotional nature of property division and separation was also reflected in comments about **adult children having to support their parent emotionally** as well as having an **emotional impact** on adult children themselves.

They were supporting me for my mental health and financially. My daughter was under the Mental Health Unit of the hospital, but she would have to be my support as well as I was trying to help her. (157, Woman, Survey)

They worry about me more. (443, Woman; Survey)

They were adversely affected by the turmoil and stress from all involved. (264, Woman; Survey)

Positive impacts

A small number of participants reported **positive impacts on adult children**, such as being in a better financial position to support them, adult children receiving money or a share in the family home, improved relationships or a reduction in conflict, and positive living arrangements.

The question of who would benefit after my death became simpler, and some tensions between my older children and my ex-partner were mostly resolved. (433, Man; Survey)

The upside is that they have thanked us both for how well we have handled everything. We can all be in the same room and there are no longer tensions. It's great. (416, Woman; Survey)

They could continue to stay, have the emotional strength to get work, pay board and have a safe home to live in. (413, Woman; Survey)

Adult child could live with me. Relationship breakdown with his father meant he didn't live with us till I moved out. (355, Woman; Survey)

Reduced the exposure to conflict, provided financial support. (472, Woman; Survey)

Positive Impact of Property Division for Participants

Much of the analysis above demonstrates the predominately negative impact that property division had on the participants across multiple aspects of their lives. However, positive impacts were reported. For instance, nearly a third (31%) of the survey respondents who reported that the property division had affected their **relationships with their children** indicated that the impact was a positive one (see Table 50).

Some of the positive comments also related to **no longer having to have contact with their former partner**, particularly if they were volatile or abusive.

I have no contact with him at all. That's a good thing. (199, Woman; Survey)

My parenting is better as I don't have a volatile partner, but I am tired all the time. (210, Woman; Survey)

My ex-partner was mentally abusive, so getting him away has been very beneficial in many different areas. (509, Woman; Survey)

A blessing emotionally ... however, tough in terms of feeling alone and having to make decisions alone. (493, Woman; Survey)

As discussed earlier, having **financial freedom** from a former partner was regarded as a positive outcome of the property division for some participants. General feelings of **autonomy, freedom, independence and being in control** were also reported.

I was free to make my own decisions. (355, Woman; Survey)

I'm happy I won't have to feel an obligation to tell him when I'm doing anything to the house (even though he hasn't contributed for a long time). I may be more keen to try and do stuff now. (442, Woman; Survey)

Feeling free and unburdened. (253, Woman; Survey)

I was able to buy my own house. I felt more in control of my own life. (448, Woman; Survey)

Strangely enough, I'm not unhappy and have a part-time job of two days a week that gives me enough for rent, food and petrol if I'm careful. My share of the house sale leaves me with enough to feel secure that I can manage, at least until pension age and beyond, with it in term deposits although hopefully the interest rates will increase in future. Personally, I'm still feeling a bit in limbo and wondering what my purpose in life

is now although I'm also enjoying the freedom of no responsibilities to any but myself and the peace and quiet of my new life. (599, Woman; Survey)

Splitting was not something I expected at retirement age, but it was the right move. I feel much more settled and happy and more in control in my destiny now. (325, Man; Survey)

Another common theme in the comments provided by the participants was that of **recovery and empowerment**. Several made the distinction between a negative or difficult *process* and a positive *outcome*. While the experience had been a difficult one, they had moved on and were now in a good place.

It enabled me to move on which has been great. My life carries on much the same as it always has, just in a different location and with a different group of friends. (485, Woman; Survey)

Less stress, so health improved. Realised I was financially okay and would cope. Felt safer. (266, Woman; Survey)

I was able to move closer to family support, started working, and my money stays where I leave it, rather than someone else spending it on frivolous crap. (552, Woman; Survey)

The process had a mixed positive and negative impact due to the stress and anxiety sometimes. The outcome had a positive impact in all areas of my life. (535, Woman; Survey)

I changed as a person and have managed to turn it into something positive for me personally, but it was very stressful. (338, Woman; Survey)

Very, very, very hard given everything else I needed to deal with (husband's affair, child custody, spouse payments, etc.). But hugely empowering once it was settled. (268, Woman; Survey)

So much change. I've taken another career turn now and am very happy so, in the end, it's been great. But it was hard for the first year. Certainly I struggled mentally and physically with the change, but also built more resilience. Relationship has gotten even stronger with my girls, in some ways. (416, Woman; Survey)

Having it sorted was a big relief. I was able to feel a lot more positive and less scared about the future. I used the settlement money to buy two houses in a small village in another province. I now live in one of them five years later. I am, financially, at about the same place alone as I was when with my former partner, and emotionally and mentally much healthier and happier. Overall, not being with an abusive person, and being able to divide the property and make a fresh start, was absolutely vital to my health and wellbeing. Sure, I lost some money, but I made it back and, more importantly, I got MYSELF back. That more than makes up for it. (171, Woman; Survey)

When you have worked for many years together to build up a secure future to have alcohol and infidelity screw it up after 40 years, sucks, but life goes on and I am very happy and content and we get on better now than ever. (459, Woman; Survey)

At first the effect was mainly negative. The stress I was feeling and the emotional upheaval of the shock of what my spouse did, what happened, on top of trying to sort everything out, meant that I couldn't sleep, hardly ate, struggled to get through each shift at work. Had to leave my job I liked to find a job with more hours and better pay. ... But, over time, I got on top of things and the security of retaining my home and not having to move on top of everything has helped me to make a good life with God's help. My ex-spouse has made a mess of his life and that is sad because it was all for nothing, but I am okay and it is easier not having him here. My new job pays more and is close to home. My finances are good for everyday needs, however, I have very little to retire on. (443, Woman; Survey)

I have found some benefits: it has made me work a lot harder (I never want to be in an unbalanced financial situation ever again), I am mindful of our finances, I have advanced my career and utilise some of the skills I had to gather along the divorce process towards academic endeavours and helping others (women) in this situation. (179, Woman; Survey)

For eight years things were very difficult, not having my home. Once I moved away, then got paid out, and now looking at a new home - things improved. (518, Woman; Survey)

I got the money from the house, bought my own modest home at the other end of the country and have worked, with a counsellor, friends, my doctor, to build a whole new life. I have a good life now. ... I got out. I knew how much money I would have. I was pissed off at having to give him half of my Govt Super, but I renamed it the 'stay away from me' payment and just accept it's a small cost after years of mental and emotional trauma. (519, Woman; Survey)

I was happy not to have any say in my previous financial situation. I had no idea. Now I own my own home and am making investments. My ex-partner has married a wealthy woman. We are both happy with our situation. (615, Woman; Survey)

While the process at the time was hugely daunting, three years down the track I see it was the best decision and outcome for myself. My ex-husband has continued on his path of self-destruction and, sadly, has broken contact with all his support systems. (479, Woman; Survey)

I'm feeling much more relaxed now, if somewhat monetarily poorer. I think maybe I gained emotionally, physically and spiritually, while maybe he hasn't had it so easy. I guess I wouldn't change anything; did what I thought best at the time and that's okay. (599, Woman; Survey)

Conclusion

This research report has set out the top-line descriptive research findings from Phase Two of a study designed to ascertain the views and experiences of separated people on relationship property division. The online survey was completed, in 2020, by 378 respondents from throughout New Zealand. Unlike the Phase One findings, these survey findings came too late to contribute to the Law Commission's 2016-2019 review of the PRA.²⁸ It should be noted that the majority of the participants were women, NZ European and well educated. However, the findings, nonetheless, provide an important 'grass roots' perspective on relationship property division and the PRA from separated people directly. Their experiences have never before been ascertained in New Zealand and it is pleasing that many of the issues they have raised, and our data analysis has identified, touch on the very matters addressed in the Commission's 2019 report that was based on extensive consultations with professionals and the public.

The Commission's report concluded that while fundamental aspects of the law remain sound, such as the general rule of equal sharing and its application to marriages, civil unions and de facto relationships that last for three years or more, other aspects of the law are no longer fit for purpose. Some significant changes are required to make the law fairer for partners dividing property on separation. The Commission made 140 recommendations for reform that cover a wide range of topics.

The Government responded to the Law Commission's report in November 2019 and acknowledged the Commission's assessment that the PRA is no longer fit for purpose for 21st century New Zealand. The recommendation that the property division rules applying to relationships ending on death be examined separately, within the context of a broader review of succession law, was accepted and this new review was added to the Commission's work programme from December 2019.²⁹ The Government will now consider the Commission's PRA recommendations after completion of the succession law review to enable property rights on separation and on death to be addressed in the one law reform process. It is anticipated this will occur in 2022, as the Commission intends to report to the Minister with its recommendations on the law of succession by the end of 2021.

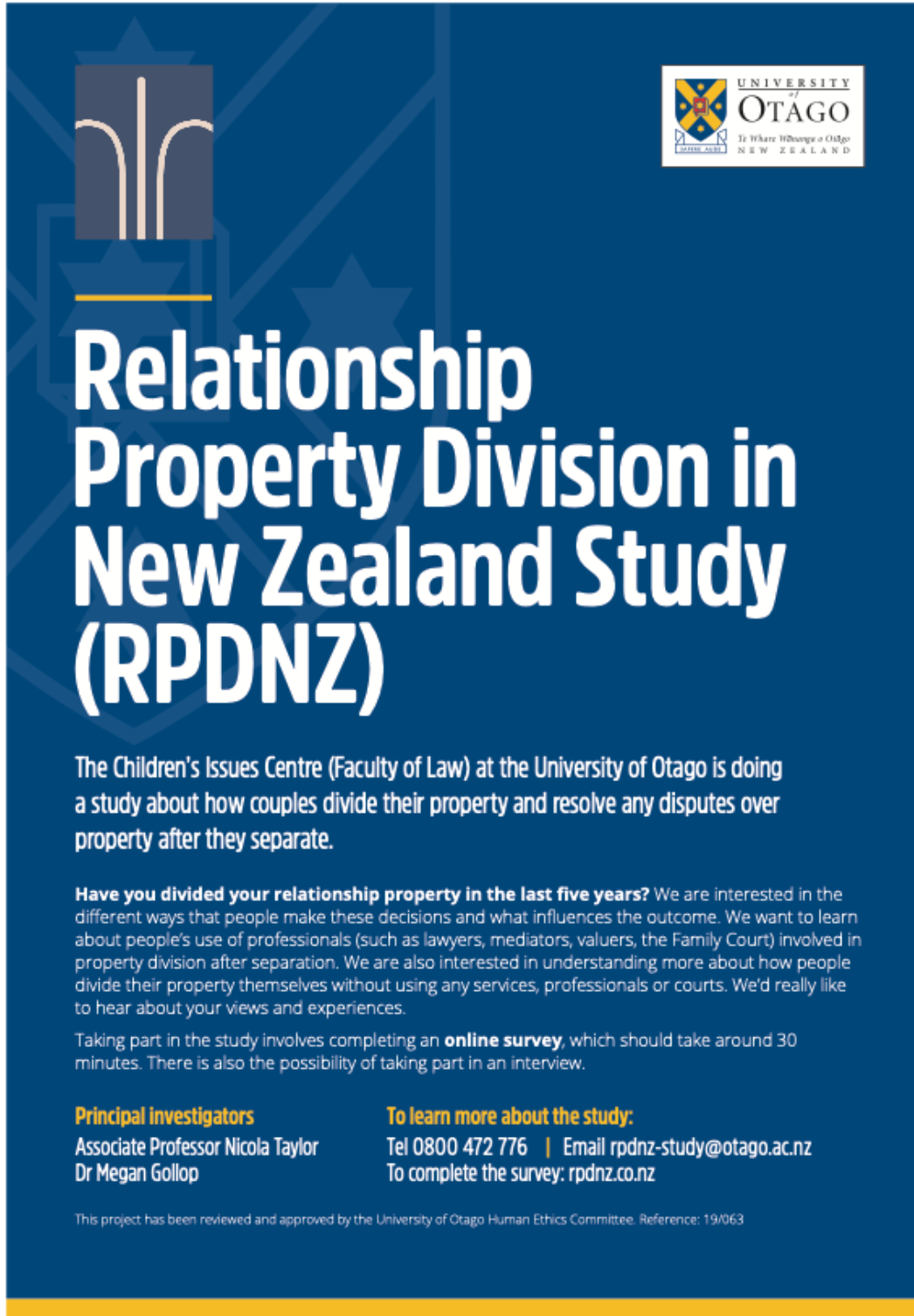
The data obtained from our Phase Two interviews with 110 (29%) of the 378 survey respondents will be reported separately in Research Snapshots on specific topics to be published in 2022. These will also draw on the pertinent survey findings included in this research report. This will allow both the quantitative and qualitative datasets to make a helpful contribution to the law reform process, as well as inform family justice professionals, separated couples and the public about significant aspects of relationship property division.

²⁸ Te Aka Matua o te Ture | Law Commission (2019), above n. 5.



²⁹ Te Aka Matua o te Ture | Law Commission *Review of Succession Law: Rights to a person's property on death - He arotake i te āheinga ki ngā rawa a te tangata ka mate ana* (NZLC IP46, 2021).

Appendices

Appendix A: Study Recruitment Flier



The flier features a dark blue background with a subtle geometric pattern of stars and lines. In the top left, there is a stylized logo consisting of two white vertical lines and two white curved lines. In the top right, the University of Otago logo is displayed, including the text 'UNIVERSITY of OTAGO' and 'Te Whare Wānanga o Otago NEW ZEALAND'. The main title 'Relationship Property Division in New Zealand Study (RPDNZ)' is written in large, bold, white sans-serif font. Below the title, a paragraph of white text describes the study. Further down, another paragraph explains the study's focus. A third paragraph details the study's requirements. At the bottom, two columns of text provide contact information for the principal investigators and details on how to learn more about the study. A small vertical text 'A.10115' is located on the left edge of the flier.



Relationship Property Division in New Zealand Study (RPDNZ)

The Children's Issues Centre (Faculty of Law) at the University of Otago is doing a study about how couples divide their property and resolve any disputes over property after they separate.

Have you divided your relationship property in the last five years? We are interested in the different ways that people make these decisions and what influences the outcome. We want to learn about people's use of professionals (such as lawyers, mediators, valuers, the Family Court) involved in property division after separation. We are also interested in understanding more about how people divide their property themselves without using any services, professionals or courts. We'd really like to hear about your views and experiences.

Taking part in the study involves completing an **online survey**, which should take around 30 minutes. There is also the possibility of taking part in an interview.

Principal investigators
Associate Professor Nicola Taylor
Dr Megan Gollop

To learn more about the study:
Tel 0800 472 776 | Email rpdnz-study@otago.ac.nz
To complete the survey: rpdnz.co.nz

This project has been reviewed and approved by the University of Otago Human Ethics Committee. Reference: 19/063

A.10115

Appendix B: Survey Information Sheet



Relationship Property Division in New Zealand Study

Thank you for your interest in this study. Please read this information sheet carefully before deciding whether to participate. If you decide to participate, we thank you. If you decide not to take part, there will be no disadvantage to you and we thank you for considering our request.

Information Sheet for Online Survey

What is the aim of the project?

The Faculty of Law at the University of Otago is doing a study about how couples divide their property and resolve any disputes over property after they separate. We are particularly interested in the different ways that people make these decisions and what influences the outcome. We want to learn about people's use of professionals (such as lawyers, mediators, valuers, the Family Court) involved in property division after separation. We are also interested in understanding more about how people divide their property themselves without using any services, professionals or courts. We want to find out what works well and what challenges people face when dividing property after a relationship break-up in order to better assist separating couples.

What type of participants are being sought?

This study is for people who have experienced a relationship break-up and have had to divide their property. This could involve dividing assets (e.g., house/family home, car, savings, superannuation) and/or debt. If you have resolved your property division with your former partner in the last five years in New Zealand, we welcome your participation.

If a decision has been reached about the division of most of your property, but there are a few outstanding issues to resolve, you are also welcome to participate. However, if you are still in the process of dividing your property we ask that you wait until a decision has been made about the majority of your property before you take part in the survey.

Relationship Property Division in New Zealand Study

What will participants be asked to do?

If you agree to take part in this study, you will be asked to complete an online survey about how you and your former partner divided your property. This survey should take around 20 minutes to complete. You can skip any questions you do not wish to answer.

We do not anticipate any risk associated with completing the survey. However, if you need some support with your personal and/or family situation there is a list of services and agencies available on our study website.

If you have divided property with a former partner recently, we will also invite you to complete another brief follow-up online survey in six months time.

At the end of the survey you can indicate if you would also like to take part in an individual telephone interview and, if so, a researcher will contact you by phone or email.

Please be aware that you may decide not to take part in the project without any disadvantage to yourself of any kind.

What data or information will be collected and how will it be used?

The survey will ask about: what property you had to divide and what processes you used to do so or to resolve any disputes with your former partner; if you used any professionals, services or courts to help you; any agreements you might have had with your partner prior to separating; your knowledge and understanding of the law; your views on, and experience of, making these decisions; and your perspectives on, and satisfaction with, the outcomes and consequences of dividing your property.

The survey will not ask for any personal information that could identify you, unless you choose to provide your contact details (which will be stored separately from your survey responses). Only members of the research team (or those employed by the research team) will have access to the data, which will be stored securely.

The study findings will not identify individual participants and the responses from all those who complete the survey will be combined and analysed as a group. Quotes from open-ended responses may be used in reports in an unidentifiable way. The findings of the research will be written up in a report which will be made publicly available. Articles will also be published in journals or presented at conferences. Every attempt will be made to preserve your anonymity.

A summary of the study findings and the final report will be made available on our study website, and participants may also contact the research team directly to obtain a copy. If you

choose to provide your email address we will send you the summary directly.

The data collected will be securely stored in such a way that only the research team can access it. Data obtained as a result of the research will be retained for at least five years in secure storage. Any personal information held on the participants (such as contact details if provided) may be destroyed at the completion of the research although the data derived from the research will, in most cases, be kept for much longer or possibly indefinitely.

Can participants change their mind and withdraw from the project?

You may withdraw from participation in the project at any time before data analysis commences without any disadvantage to yourself of any kind. However, if you choose to answer the survey anonymously (by not providing your email address), once your answers are saved we are unable to identify your particular responses and therefore you cannot view, amend or withdraw your data.

What if participants have any questions?

If you have any questions about our project, either now or in the future, please feel free to contact the Project Manager:

Dr Megan Gollop
Faculty of Law
University of Otago
Tel 03 479 4918
Email megan.gollop@otago.ac.nz or rpdnz-study@otago.ac.nz

To contact a member of the research team:
Tel 0800 472 776
Email rpdnz-study@otago.ac.nz

To complete the survey:
rpdnz.co.nz

This study has been approved by the University of Otago Human Ethics Committee (Reference Number: 19/063). If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (tel 64 3 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix C: Survey Consent Form

Reference Number 19/063
February 2020



RELATIONSHIP PROPERTY DIVISION IN NEW ZEALAND STUDY

CONSENT FORM FOR ONLINE SURVEY

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time prior to data analysis commencing without any disadvantage;
3. Personal identifying information such as contact details may be destroyed at the conclusion of the project, but any raw data on which the results of the project depend will be retained in secure storage for at least five years;
4. This project is funded by the Michael and Suzanne Borrin Foundation;
5. The results of the project will be published, but every attempt will be made to preserve my anonymity.

This study has been approved by the University of Otago Human Ethics Committee. If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph +64 3 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.



Relationship Property Division in New Zealand Study

Online Survey

This survey is for separated people who have finalised their property division **in the last 5 years**.

If you have completed **most** of your property division, but still have some issues to sort out, you are also welcome to complete the survey.

If you are still in the process of dividing your property, please wait until you've (mostly) finalised this – you can complete the survey any time before 31 October 2020.

The survey will take around 30 minutes to complete.

Screening question:

Have you

- Finalised all, or most, of your property division with your former partner?
- In the last five years?
- In New Zealand?

Please read the following information about the study – a new tab will open

I have read the information sheet about this study and the consent form and agree to take part.

Survey Instructions

Thank you very much for agreeing to complete this survey.

There are eight sections – but not all questions may apply to you. The blue progress bar at the top shows you how far through the survey you are.

- The information you provide is important, so please try to answer every question that applies to you.
- Each question requires a response. However, if you don't want to answer a particular question, please click on the blue cross (x) at the top right of the question to skip to the next one.
- Your responses are saved automatically at the end of each screen page. It is best to complete the survey in one go, but if you quit out for any reason and have provided your email address, we will send you an email the following day so you can get back into the survey where you left off.

*If you have had more than one relationship break-up where you had property to divide, please answer this survey for the **most recent one**.*

If you still have some property division issues to sort out, please answer the survey in relation to the issues that have been decided.

	<p>SECTION 1 – YOUR SITUATION BEFORE YOUR SEPARATION AND AT THE TIME OF YOUR SEPARATION</p> <p>This section asks about your situation while you and your former partner were together as a couple and at the time you separated.</p> <p>When you separated, were you and your former partner ... (selected=1, not selected=0)</p> <p>TS1a Married TS1b In a De Facto relationship – a couple of the same or different sex, who live together as a couple, but who aren’t married or in a Civil Union TS1c In a Civil Union – a couple of the same or different sex who have had a relationship officially registered as a Civil Union TS1d Living apart together – together as a couple, but living in separate places TS1ot Other [Go to TS1ota]</p>
TS1ota	<p>If TS1ot=1</p> <p>What was your relationship status at the time you and your former partner separated?</p> <p>Open text</p>
TS2	<p>How long was your relationship with your former partner (including any time before you lived together)?</p> <p>1=Less than 3 years 2=3 years to less than 5 years 3=5 years to less than 10 years 4=10 years to less than 15 years 5=15 years to less than 20 years 6=20 years or more 99=Don’t know/not sure/can’t remember</p>
TS3	<p>How long did you and your former partner live together during your relationship?</p> <p>1=We did not live together during our relationship 2=Less than 3 years 3=3 years to less than 5 years 4=5 years to less than 10 years 5=10 years to less than 15 years 6=15 years to less than 20 years 7=20 years or more 99=Don’t know/not sure/can’t remember</p>

TS4	<p>Was this a same-sex relationship?</p> <p>1=Yes 0=No 2=Prefer not to answer</p>
TS5a TS5b TS5c TS5d TS5e TS5ot TS5na	<p>At the time of your separation, who lived in the same household as you? This could be full-time or part-time. Please select all that apply. (selected=1, not selected=0)</p> <p>Your former partner</p> <p>Children – aged under 18 who you were responsible for (i.e., you and your former partner’s children, your children from a previous relationship, step-children, adopted, whāngai, or foster children)</p> <p>Adult children (either your and/or your former partner’s children, step-children, adopted, whāngai or foster children) – aged 18 years and over</p> <p>Extended family (e.g., parents, siblings)</p> <p>Flatmate(s)/boarder(s)</p> <p>Other [Go to TS5ota]</p> <p>None of the above – I (mostly) lived alone</p>
TS5ota	<p>If TS5ot=1</p> <p>Who else lived in the same household as you at the time of your separation?</p> <p>Open text box</p>
TS6a TS6b TS6c TS6ot	<p>Do you and your former partner have children together? Please select all that apply. (selected=1, not selected=0)</p> <p>Yes, child(ren) aged under 18 years at the time of separation [Go to TS7]</p> <p>Yes, child(ren) aged 18 years and over at the time of separation [Go to TS8]</p> <p>No [Go to TS10]</p> <p>Other [Go to TS6ota]</p>
TS6ota	<p>If TS6ot=1</p> <p>Please tell us about the situation relating to the children you and your former partner have together.</p> <p>Open text box</p>
TS7	<p>If TS6a=1</p> <p>At the time you separated, how many children aged under 18 years did you and your former partner have together?</p> <p>Drop down menu 0-15, 1=1, 2=2 etc.</p>

TS8	<p>If TS6b=1</p> <p>At the time you separated, how many children aged 18 years and over did you and your former partner have together?</p> <p>Drop down 0-15, 1=1, 2=2 etc.</p>
TS9	<p>If TS5b=1 and/or TS6a=1</p> <p>After you separated, what were the care and contact arrangements for any children?</p> <p>88=Not applicable – no children 1=The children mainly lived with me 2=The children mainly lived with my former partner 3=The children lived more or less equally with me and my former partner 4=The children had a split care arrangement – one or more children lived mainly with me and the other(s) lived mainly with my former partner 5=The children lived mainly with parents/caregivers other than myself or my former partner 77=Other [Go to TS9ota]</p>
TS9ota	<p>If TS9=77</p> <p>What were the other care and contact arrangements for any children after you separated?</p> <p>Open text box</p>
TS10	<p>At the time of your separation, did you and/or your former partner have dependants (other than children you have with your former partner) who you were responsible for, but who did not live with you and your former partner – for example, children from previous relationships, elderly parents, other extended family members etc.?</p> <p>1=I did [Go to TS11] 2=My former partner did [Go to TS12] 3=We both did [Go to TS13] 4=Neither of us did [Go to TS14]</p>
TS11	<p>If TS10=1</p> <p>Please specify the dependants you had responsibility for.</p> <p>Open text box</p>
TS12	<p>If TS10=2</p> <p>Please specify the dependants your former partner had responsibility for.</p> <p>Open text box</p>

TS13	<p>If TS10=3</p> <p>Please specify the dependants you and your former partner had responsibility for.</p> <p>Open text box</p>
TS14	<p>Now we'd like to ask you some questions about contributions you and your former partner made to the relationship while you were together, as these can affect how people sort out their property division when they separate.</p> <p>The law recognises both financial and non-financial contributions to a relationship. We will be asking you about both.</p> <p>Financial contributions to the relationship</p> <p>Did you contribute financially to the relationship with your former partner by receiving an income (this could be from wages, self-employment, WINZ benefits, superannuation, income or distributions from a trust, income from investment properties, etc.)?</p> <p>1=Yes, for most or all of the time we were in a relationship 2=Yes, for some of the time we were in a relationship 3=Yes, but my income varied over time while we were in a relationship 0=No 99=Don't know/not sure/can't remember</p>
TS15	<p>During your relationship did you make any other financial contributions to the relationship (this could be from inheritances, gifts, financial support from family, lottery winnings, etc.)?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
TS16	<p>Please add any comments you may have about your financial contribution to the relationship.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>

TS17	<p>Did your former partner contribute financially to the relationship by receiving an income (this could be from wages, self-employment, WINZ benefits, superannuation, income or distributions from a trust, income from investment properties, etc.)?</p> <p>1=Yes, for most or all of the time we were in a relationship 2=Yes, for some of the time we were in a relationship 3=Yes, but my former partner's income varied over time while we were in a relationship 0=No 99=Don't know/not sure/can't remember</p>
TS18	<p>During your relationship did your former partner make any other financial contributions to the relationship (this could be from inheritances, gifts, financial support from family, lottery winnings, etc.)?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
TS19	<p>Please add any comments you may have about your former partner's financial contribution to the relationship.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
TS20	<p>Non-financial contributions to the relationship</p> <p>During your relationship who mainly did the following ...</p> <p>Maintenance, improvement and renovation work on the house/garden on either the family home or other properties (e.g., rental properties, holiday homes)?</p> <p>1=I did 2=My former partner did 3=My former partner and I both did 4=Neither of us did</p>

TS21	<p>Household duties – e.g., cleaning, laundry, cooking?</p> <p>1=I did 2=My former partner did 3=My former partner and I both did 4=Neither of us did</p>
TS22	<p>Childcare?</p> <p>1=I did 2=My former partner did 3=My former partner and I both did 4=Neither of us did 88=Not applicable – no children</p>
TS23	<p>During your relationship, did you take any time out of the workforce to care for children (excluding any time on paid parental leave)?</p> <p>For example, reducing your hours or taking time out of paid work completely.</p> <p>1=Yes 0=No [Go to TS25] 88=Not applicable – no children [Go to TS25]</p>
TS24	<p>If TS23=1</p> <p>How much did having time out of the workforce to care for children affect your employment/career?</p> <p>1=Not at all 2=A little 3=A fair amount 4=A lot 99=Don't know/not sure/can't remember</p>
TS25	<p>During your relationship, did your former partner take any time out of the workforce to care for children (excluding any time on paid parental leave)?</p> <p>For example, reducing their hours or taking time out of paid work completely.</p> <p>1=Yes 0=No [Go to TS27] 88=Not applicable – no children [Go to TS27]</p>

TS26	<p>If TS25=1</p> <p>How much did having time out of the workforce to care for children affect your former partner's employment/career?</p> <p>1=Not at all 2=A little 3=A fair amount 4=A lot 99=Don't know/not sure/can't remember</p>
TS27	<p>Please add any comments you may have about how caring for children affected any of the following:</p> <ul style="list-style-type: none"> - your employment/career - your former partner's employment/career - the division of your property. <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
TS28	<p>How financially secure did you feel during the last year you were together as a couple?</p> <p>1=Very insecure 2=Insecure 3=Neither secure nor insecure 4=Secure 5=Very secure 99=Don't know/not sure/can't remember</p>
TS29	<p>Please add any comments you may have about your situation, either during your relationship or at the time you separated, which are relevant to your property division. We will be asking about your property division later.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>

AL1	<p>SECTION 2 – YOUR KNOWLEDGE OF THE LAW ABOUT RELATIONSHIP PROPERTY DIVISION</p> <p>Now we'd like to ask you about your knowledge of the law relating to relationship property division in New Zealand.</p> <p>At the time you separated, how much did you know about the law relating to relationship property division?</p> <p>1=Hardly anything 2=A little 3=A fair amount 4=A lot 99=Don't know/not sure/can't remember</p>
AL2	<p>The law says that the family home, household items (such as furniture or the car), money, debt or property the couple get during the relationship are considered to be relationship property and should be shared equally if the couple separate. This is sometimes known as a 50/50 split or the equal sharing law.</p> <p>At the time you separated, did you know that New Zealand law says a couple should share relationship property equally if they separate?</p> <p>1=Yes 2=Maybe 0=No 99=Don't know/not sure/can't remember</p>
AL3	<p>At the time you separated, did you know that the law of equal sharing applies to unmarried couples in the same way as it does to married couples?</p> <p>1=Yes 2=Maybe 0=No 99=Don't know/not sure/can't remember</p>
AL4	<p>At the time you separated, did you know that couples have to live together as a couple for 3 years for the law of equal sharing to apply?</p> <p>1=Yes 2=Maybe 0=No 99=Don't know/not sure/can't remember</p>

	<p>SECTION 3 – YOUR FINANCIAL SITUATION AT THE TIME YOU SEPARATED</p> <p>This section asks about you and your former partner’s assets (what was owned) and debts/liabilities (what was owed) at the time you separated.</p>
FS1	<p>At the time you separated, how much did you know about the assets and debts/liabilities you had to divide?</p> <p>1=Hardly anything 2=A little 3=A fair amount 4=A lot 99=Don’t know/not sure/can’t remember</p>
FS2	<p>At the time you separated, how much did your former partner know about the assets and debts/liabilities you had to divide?</p> <p>1=Hardly anything 2=A little 3=A fair amount 4=A lot 99=Don’t know/not sure/can’t remember</p>
FS3aa FS3ab FS3ac FS3ad FS3ana FS3adk	<p>Assets (what was owned)</p> <p>At the time you separated, what assets did you and your former partner have to divide (please exclude any assets in trusts, which we will ask about later)? Please select all that apply. (selected=1, not selected=0)</p> <p>Houses/Real Estate/Property</p> <p>Family home Holiday home(s) Land/section Other real estate (e.g., investment property) None of the above Don’t know/not sure/can’t remember</p>
FS3ba FS3bb FS3bna FS3bdk	<p>Businesses</p> <p>Business or professional practice (e.g., café, retail, manufacturing, dental practice etc.) Farm/orchard and any associated plant, chattels and livestock None of the above Don’t know/not sure/can’t remember</p>

<p>FS3ca</p> <p>FS3cb</p> <p>FS3cc</p> <p>FS3cd</p> <p>FS3ce</p> <p>FS3cf</p> <p>FS3cg</p> <p>FS3cna</p> <p>FS3cdk</p>	<p>Finance</p> <p>Money/savings – e.g., in a bank, building society, credit union, etc.</p> <p>Investments – shares, bonds, debentures</p> <p>ACC payouts</p> <p>Redundancy/severance payments</p> <p>Superannuation/Kiwisaver</p> <p>Insurance policies (e.g., life insurance)</p> <p>Inheritances/family gifts</p> <p>None of the above</p> <p>Don't know/not sure/can't remember</p>
<p>FS3da</p> <p>FS3db</p> <p>FS3dc</p> <p>FS3dna</p> <p>FS3ddk</p>	<p>Household contents</p> <p>Furniture, household goods, appliances, sports equipment, tools, etc.</p> <p>Artwork</p> <p>Children's property</p> <p>None of the above</p> <p>Don't know/not sure/can't remember</p>
<p>FS3ea</p> <p>FS3eb</p> <p>FS3ena</p> <p>FS3edk</p>	<p>Vehicles</p> <p>Car(s)</p> <p>Other vehicles (e.g., boat, motorcycle, caravan)</p> <p>None of the above</p> <p>Don't know/not sure/can't remember</p>
<p>FS3fa</p> <p>FS3fb</p> <p>FS3fc</p> <p>FS3fna</p> <p>FS3fdk</p>	<p>Personal effects</p> <p>Family heirlooms</p> <p>Taonga</p> <p>Jewellery</p> <p>None of the above</p> <p>Don't know/not sure/can't remember</p>
<p>FS3ga</p> <p>FS3gb</p> <p>FS3gc</p> <p>FS3got</p> <p>FS3gna</p> <p>FS3gdk</p>	<p>Other assets</p> <p>Overseas asset(s) (e.g., house, land, money, investments)</p> <p>Assets you and/or your former partner owned with other people</p> <p>Animals (e.g., pets, racehorse, greyhound, etc.)</p> <p>Other [Go to FS3gota]</p> <p>None of the above</p> <p>Don't know/not sure/can't remember</p>
<p>FS3gota</p>	<p>If FS3got=1</p> <p>What other assets did you and your former partner have to divide?</p> <p>Open text box</p>

FS4	<p>What was the approximate combined value of any assets you had to divide? Please indicate what your assets were worth, regardless of any money owed on them such as mortgages, loans.</p> <p>1=Nothing – no assets to divide 2=\$1-\$500 3=\$501-\$1000 4=\$1001-\$2000 5=\$2001-\$5000 6=\$5001-\$10,000 7=\$10,001-\$20,000 8=\$20,001-\$50,000 9=\$50,001-\$75,000 10=\$75,001-\$100,000 11=\$100,001-\$150,000 12=\$150,001-\$200,000 13=\$200,001-\$300,000 14=\$300,001-\$500,000 15=\$500,001-\$700,000 16=\$700,001-\$1,000,000 17=\$1,000,001-\$2,000,000 18=\$2,000,001-\$3,000,000 19=\$3,000,001-\$5,000,000 20=\$5,000,001-\$10,000,000 21=More than \$10 million 99=Don't know/not sure/can't remember</p>
FS5	<p>The family home</p> <p>At the time you separated, who owned the family home?</p> <p>1=Neither my former partner nor I owned the home, e.g., we rented or lived in a home owned by someone else [Go to FS6series] [Skip DO5] [Skip DO5ota] 2=My former partner and I owned the home together [Go to F5i] 3=I owned the home [Go to F5b] 4=My former partner owned the home [Go to F5c] 5=The home was held in a trust [Go to F5d] 6=My former partner and I both owned the home jointly with other people [Go to F5e] 7=I owned the home jointly with other people (i.e., not your former partner) [Go to F5f] 8=My former partner owned the home jointly with other people (i.e., not you) [Go to F5g] 77=Other [Go to FS5ota then FS5h] [Skip DO5] [Skip DO5ota]</p>

FS5ota	<p>If FS5=77</p> <p>How was the family home owned at the time you separated?</p> <p>Open text box</p>
FS5i	<p>If FS5=2</p> <p>Did you and your former partner own the home together ...</p> <p>1=Equally 2=In specific shares (e.g., a 60-40% split) 99=Don't know/not sure/can't remember</p>
FS5a	<p>If FS5=2</p> <p>Did you and your former partner own the home together before the beginning of your relationship?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS5b	<p>If FS5=3</p> <p>Did you own the home before the beginning of your relationship with your former partner?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS5c	<p>If FS5=4</p> <p>Did your former partner own the home before the beginning of your relationship?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS5d	<p>If FS5=5</p> <p>Was the home held in a trust before the beginning of your relationship with your former partner?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>

FS5e	<p>If FS5=6</p> <p>Did you and your former partner own the home jointly with other people before the beginning of your relationship?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS5f	<p>If FS5=7</p> <p>Did you own the home jointly with other people (not your former partner) before the beginning of your relationship with your former partner?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS5g	<p>If FS5=8</p> <p>Did your former partner own the home jointly with other people (not yourself) before the beginning of your relationship?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS5h	<p>If FS5=77</p> <p>Was the home owned this way before the beginning of your relationship with your former partner?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS6a FS6b FS6c FS6d FS6ot	<p>Immediately after the separation, who (if anyone) remained living in the family home)? Please select all that apply.</p> <p>Me My former partner Some or all of the children Neither me nor my former partner Other [Go to FS6ota]</p>
FS6ota	<p>If FS6ot=1</p> <p>Who else remained living in the family home immediately after the separation?</p> <p>Open text box</p>

FS7	<p>Assets held in trusts</p> <p>At the time you separated, were there other assets to divide that were held in a trust(s)?</p> <p>1=Yes 0=No [Go to FS12] 99=Don't know/not sure [Go to FS12] 3=Can't remember [Go to FS12]</p>
FS8	<p>If FS7=1</p> <p>What assets were held in a trust(s)?</p> <p>Open text box</p>
FS9	<p>What was the approximate combined value of any assets that were held in a trust(s)?</p> <p>1=Negative equity – The debts on the assets held in trust were greater than the combined value of the assets 2=Nil – \$0 3=\$1-\$500 4=\$501-\$1000 5=\$1001-\$2000 6=\$2001-\$5000 7=\$5001-\$10,000 8=\$10,001-\$20,000 9=\$20,001-\$50,000 10=\$50,001-\$75,000 11=\$75,001-\$100,000 12=\$100,001-\$150,000 13=\$150,001-\$200,000 14=\$200,001-\$300,000 15=\$300,001-\$500,000 16=\$500,001-\$700,000 17=\$700,001-\$1,000,000 18=\$1,000,001-\$2,000,000 19=\$2,000,001-\$3,000,000 20=\$3,000,001-\$5,000,000 21=\$5,000,001-\$10,000,000 22=More than \$10 million 99=Don't know/not sure/can't remember</p>

FS10	<p>Were the assets in the trust(s) divided as a result of your property division?</p> <p>1=Yes [Go FS12] 0=No [Go FS11] 99=Don't know/not sure/can't remember [Go FS12]</p>
FS11	<p>If FS10=0</p> <p>Were the assets in the trust(s) taken into account when dividing your other property?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
FS12	<p>Please add any comments you may have about trusts and property division.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
FS13	<p>Personal assets and separate property</p> <p>At the time you separated, did your former partner own other assets/separate property that were not part of your relationship property division?</p> <p>1=Yes 0=No [Go to FS15] 99=Don't know/not sure/can't remember [Go to FS15]</p>
FS14	<p>If FS13=1</p> <p>What other personal assets/separate property did your former partner own?</p> <p>Open text box</p>
FS15	<p>At the time you separated, did you own other personal assets/separate property that were not part of your relationship property division?</p> <p>1=Yes 0=No [Go to FS17 series] 99=Don't know/not sure/can't remember [Go to FS17 series]</p>

FS16	<p>If FS15=1</p> <p>What other personal assets/separate property did you own?</p> <p>Open text box</p>
<p>FS17a</p> <p>FS17b</p> <p>FS17c</p> <p>FS17d</p> <p>FS17e</p> <p>FS17f</p> <p>FS17g</p> <p>FS17h</p> <p>FS17i</p> <p>FS17ot</p> <p>FS17na</p>	<p>Debts and liabilities (what was owed)</p> <p>At the time you separated, what debts/liabilities did you and your former partner have to divide? Please select all that apply. (1=selected, 0=not selected)</p> <p>Mortgage(s)</p> <p>Personal loan(s) – either private or from banks/finance companies, etc.</p> <p>Hire purchase agreement(s)</p> <p>Credit card debt(s)</p> <p>Student loan(s)</p> <p>Family loan(s)</p> <p>Commercial loan(s)</p> <p>Tax to pay</p> <p>Gambling debt(s)</p> <p>Other debts or liabilities [Go to FS17ota]</p> <p>None of the above – no debts or liabilities to divide [Go to FS19]</p>
FS17ota	<p>If FS17ot=1</p> <p>What other debt/liabilities did you and your former partner have to divide?</p> <p>Open text box</p>
FS18	<p>What was the approximate combined amount of any debts/liabilities you had to divide?</p> <p>1=Nothing, no debt or liabilities to divide</p> <p>2=\$1-\$500</p> <p>3=\$501-\$1000</p> <p>4=\$1001-\$2000</p> <p>5=\$2001-\$5000</p> <p>6=\$5001-\$10,000</p> <p>7=\$10,001-\$20,000</p> <p>8=\$20,001-\$50,000</p> <p>9=\$50,001-\$75,000</p> <p>10=\$75,001-\$100,000</p> <p>11=\$100,001-\$150,000</p> <p>12=\$150,001-\$200,000</p> <p>13=\$200,001-\$300,000</p> <p>14=\$300,001-\$500,000</p> <p>15=\$500,001-\$700,000</p>

	<p>16=\$700,001-\$1,000,000 17=\$1,000,001-\$2,000,000 18=\$2,000,001-\$3,000,000 19=\$3,000,001-\$5,000,000 20=\$5,000,001-\$10,000,000 21=More than \$10 million 99=Don't know/not sure/can't remember</p>
FS19	<p>Personal debts and liabilities</p> <p>At the time you separated, did your former partner have any personal debts or liabilities that were not part of your relationship property division?</p> <p>1=Yes 0=No [Go to FS21] 99=Don't know/not sure/can't remember [Go to FS21]</p>
FS20	<p>If FS19=1 What other personal debts or liabilities did your former partner have?</p> <p>Open text box</p>
FS21	<p>At the time you separated, did you have any personal debts or liabilities that were not part of your relationship property division?</p> <p>1=Yes 0=No [Go to FS23] 99=Don't know/not sure/can't remember [Go to FS23]</p>
FS22	<p>If FS21=1 What other personal debts or liabilities did you have?</p> <p>Open text box</p>
FS23	<p>Overall, at the time you separated, excluding trusts, did you and your former partner have ...</p> <p>1=Only assets to divide 2=Only debts/liabilities to divide 3=Both assets and debts/liabilities to divide 4=No assets or debts/liabilities to divide</p>

	<p>SECTION 4 – THE PROCESS OF DIVIDING YOUR PROPERTY</p>
DP1	<p>When did you begin the process of dividing your property?</p> <p>1=At the time of the separation 2=Within 1 year of the separation 3=Within 3 years of the separation 4=More than 3 years after the separation 99=Don't know/not sure/can't remember</p>
DP2	<p>How long did it take to finalise all (or most) of your property division?</p> <p>1=Less than 3 months 2=3 months to less than 6 months 3=6 months to less than a year 4=1 year to less than 2 years 5=2 years to less than 3 years 6=3 years to less than 5 years 7=5 years to less than 10 years 8=10 years to less than 15 years 9=15 years or more 99=Don't know/not sure/can't remember</p>
DP3	<p>When was the decision about your property division made (i.e., you and your former partner reached agreement or a court order was made)?</p> <p>If you can't remember the exact date, please provide the best approximate date. Otherwise select 'Don't know' for each option.</p> <p>Drop down for month and year mm/yyyy from January 2015 to January 2021 Plus 2014 or earlier in year</p>
DP4 DP5 DP6	<p>At the time you were dividing your property, were you also trying to resolve any of the following issues?</p> <p>Parenting arrangements (day-to-day care and contact) 1=Yes, 0=No, 88=Not applicable – no children, 99=Don't know/not sure/can't remember</p> <p>Child support 1=Yes, 0=No, 88= Not applicable – no children, 99=Don't know/not sure/can't remember</p> <p>Spousal/adult maintenance 1=Yes, 0=No, 99=Don't know/not sure/can't remember</p>

DP7	<p>At the time you were dividing your property, how would you describe your relationship with your former partner?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good</p>
DP8	<p>We are interested in finding out how people go about dividing their property – the steps they take and how decisions are made.</p> <p>When you began the process of dividing your property, how informed did you feel about what you needed to do – i.e., the steps you needed to take and where to go for advice and assistance?</p> <p>1=Not at all informed 2=A little bit informed 3=Fairly informed 4=Very informed</p>
DP9a DP9b DP9c DP9d DP9e DP9f DP9g DP9h DP9i DP9ot DP9na	<p>When you began the process of dividing your property, what information, advice or help did you need, if any? Please select all that apply. (1=selected, 0=not selected)</p> <p>Emotional support General advice Information/advice about how to resolve your property division Financial information/advice Legal information/advice Legal representation Information/advice about the value of assets and/or debts Information about services that could assist Information about professionals who could assist Other [Go to DP9ota] None of the above – I did not need any information, advice or help</p>
DP9ota	<p>If DP9ot=1</p> <p>What other information, advice or help did you need?</p> <p>Open text box</p>

	<p>The next questions focus on the steps you personally took to divide your property. Please select all the steps you took from the lists below. (1=selected, 0=not selected)</p> <p>Informal/Self-help steps</p> <p>DP10ia Talked with my former partner</p> <p>DP10ib Talked with family members/whānau</p> <p>DP10ic Talked with friends/acquaintances</p> <p>DP10id Used resources such as books, articles or pamphlets</p> <p>DP10ie Used the Internet and/or social media</p> <p>DP10if Accessed support groups (including online)</p> <p>DP10ina None of the above</p>
	<p>Community Services</p> <p>DP10ca Got advice from a Community Law Centre or YouthLaw</p> <p>DP10cb Got advice from the Citizens Advice Bureau</p> <p>DP10cc Got advice from a community agency/organisation</p> <p>DP10cd Got advice from my church or religious/spiritual community</p> <p>DP10ce Got advice from my cultural community</p> <p>DP10cna None of the above</p>
	<p>Mediators</p> <p>DP10ma Used community-based free mediation</p> <p>DP10mb Used privately-paid mediation – face-to-face</p> <p>DP10mc Used privately-paid mediation – online</p> <p>DP10md Used Family Dispute Resolution (FDR) mediation</p> <p>DP10mna None of the above</p>
	<p>Lawyers</p> <p>DP10la Got legal advice</p> <p>DP10lb Negotiated with my former partner through lawyers</p> <p>DP10lc Used Collaborative Law processes – a formal privately-paid process where both parties work together with their lawyers (and other experts) and agree not to go to the Family Court</p> <p>DP10lna None of the above</p>
	<p>Arbitrators</p> <p>DP10aa Used privately-paid arbitration – an alternative dispute resolution process outside of the courts where the decision is made by an arbitrator</p> <p>DP10ana None of the above</p>
	<p>Family Justice Services</p> <p>DP10ja Used the Ministry of Justice website</p> <p>DP10jb Phoned the Ministry of Justice 0800 phone line</p> <p>DP10jc Got help or advice from Family Court administrative/counter staff</p> <p>DP10jd Went to the Family Court – <i>made, or responded to, an application for a Relationship Property Order in the Family Court</i></p> <p>DP10je Went to a higher court for a Relationship Property Order or to appeal a Family Court decision – <i>filed, or responded to, an application for a Relationship Property Order in the High Court or an appeal of a Family Court decision to the High Court, Court of Appeal or Supreme Court</i></p> <p>DP10jna None of the above</p>

<p>DP10oa DP10ob DP10oc DP10od DP10oe DP10of DP10ona</p>	<p>Other Professionals/Organisations Got advice/services from an accountant Got advice/services from a valuer Got advice/services from a real estate agent Got advice/services from a stock agent Got advice/services from a bank/finance company Got advice/services from a financial adviser None of the above</p>
<p>DP11ot</p>	<p>Did you take any other steps to divide your property not listed above?</p> <p>1=Yes [Go to DP11ota] 0=No [Go to DP12 series] 99=Don't know/not sure/can't remember [Go to DP12 series]</p>
<p>DP11ota</p>	<p>If DP11ot=1 What other steps did you take to divide your property?</p> <p>Open text box</p>
<p>DP12ia DP12ib DP12ic DP12id DP12ie DP12if DP12ca DP12cb DP12cc DP12cd DP12ce DP12ma DP12mb DP12mc DP12md DP12la DP12lb</p>	<p>Of all the steps you took, which did you find helpful in dividing your property?</p> <p>Please rank up to 5 steps that you found the most helpful where 1=the most helpful, 2=the next most helpful, etc.</p> <p>Talked with my former partner Talked with family members/whānau Talked with friends/acquaintances Used resources such as books, articles or pamphlets Used the Internet and/or social media Accessed support groups (including online) Got advice from a Community Law Centre or YouthLaw Got advice from the Citizens Advice Bureau Got advice from a community agency/organisation Got advice from my church or religious/spiritual community Got advice from my cultural community Used community-based free mediation Used privately-paid mediation – face-to-face Used privately-paid mediation – online Used Family Dispute Resolution (FDR) mediation Got legal advice Negotiated with my former partner through lawyers</p>

DP12lc	Used Collaborative Law processes
DP12aa	Used privately-paid arbitration
DP12ja	Used the Ministry of Justice website
DP12jb	Phoned the Ministry of Justice 0800 phone line
DP12jc	Got help or advice from Family Court administrative/counter staff
DP12jd	Went to the Family Court
DP12je	Went to a higher court – High Court, Court of Appeal or Supreme Court
DP12oa	Got advice/services from an accountant
DP12ob	Got advice/services from a valuer
DP12oc	Got advice/services from a real estate agent
DP12od	Got advice/services from a stock agent
DP12oe	Got advice/services from a bank/finance company
DP12of	Got advice/services from a financial adviser
DP12ot	Other steps as you outlined in the box above
DP13	<p>Overall, what else did you find particularly helpful in dividing your property, if anything?</p> <p>If you found nothing else particularly helpful, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
DP14	<p>Did you receive all the help, advice or information you needed?</p> <p>1=Yes [Go to DP16] 2=Some, but not all 0=No</p>
DP15	<p>If DP14≠1</p> <p>What help, advice or information did you need that you did not receive?</p> <p>Open text box</p>

DP16	<p>Which was the first professional or service you saw or got help, advice or information from?</p> <p>1=Lawyer 2=Community Law Centre 3=Citizens Advice Bureau 4=Mediator 5=Arbitrator 6=Accountant 7=Valuer 8=Social service agency 9=Family Court 10=Ministry of Justice website 11=Ministry of Justice 0800 phone line 77=Other [Go to DP16ota] 99=Don't know/not sure/can't remember 12=None of the above – I didn't use any professional or service</p>
DP16ota	<p>If DP16=77</p> <p>Which other professional or service did you first see or get help, advice or information from?</p> <p>Open text box</p>
DP17a DP17b DP17c DP17d DP17e DP17f DP17g DP17ot DP17na	<p>Did you use any of the following professionals to value your assets and/or debts/liabilities? Please select all that apply. (1=selected, 0=not selected)</p> <p>Lawyer Valuer Accountant Real estate agent Stock agent Banker Financial adviser Another professional [Go to DP17ota] None of the above – Our assets and/or liabilities were not valued by a professional</p>
DP17ota	<p>If DP17=77</p> <p>Which other professional(s) were used to value your assets and/or debts/liabilities?</p> <p>Open text box</p>

DP18	<p>Prenuptial agreements</p> <p>At any stage during your relationship, did you and your former partner make an agreement about how you would divide your relationship property or debts if you separated? This is sometimes known as a prenuptial agreement or contracting out agreement.</p> <p>0=No [Go to DP23] 1=We discussed it, but didn't make an agreement [Go to DP23] 2=We made a verbal agreement without involving a lawyer 3=We made a written agreement without involving a lawyer 4=We made an agreement with legal advice, but it was not certified by a lawyer 5=We made an agreement which was certified by a lawyer 99=Don't know/not sure/can't remember [Go to DP23]</p>
DP19	<p>Was this agreement followed when you divided your property?</p> <p>1=Yes [Go to DP21] 2=Partially [Go to DP20] 0=No [Go to DP20]</p>
DP20	<p>If DP19=2 or 0</p> <p>Please explain the reason(s) why the agreement was either not followed, or only partially followed, when you divided your property?</p> <p>Open text box</p>
DP21	<p>How helpful was it having a 'prenuptial' agreement?</p> <p>1=Very unhelpful 2=Unhelpful 3=Neither helpful nor unhelpful 4=Helpful 5=Very helpful</p>
DP22	<p>Please briefly explain your rating of how helpful you found having a 'prenuptial' agreement.</p> <p>Open text box</p>

DP23	<p>Please add any comments you may have about ‘prenuptial’ agreements.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
DP24	<p>The way your property was divided</p> <p>You have told us all the steps you took to divide your property. Now, we are interested in how the decision was finally made.</p> <p>You may have done several of the following, but in the end, what was the main way your property division was sorted out?</p> <p>1=No decision was made, it just happened 2=I decided 3=My former partner decided 4=My former partner and I sorted it out ourselves 5=Through mediation or Family Dispute Resolution (FDR) 6=Through lawyers 7=Through collaborative law processes 8=Through arbitration 9=Through the Family Court 10=Through a higher court (e.g., High Court, Court of Appeal, Supreme Court) 77=Some other way [Go to DP24ota] 99=Don’t know/not sure/can’t remember</p>
DP24ota	<p>If DP24=77</p> <p>What was the main way your property division was finally sorted out?</p> <p>Open text box</p>

	<p>How well did the process you used to divide your property work?</p> <p>Please indicate how much you agree or disagree with the following statements.</p> <p>1=Strongly disagree 2=Disagree 3=Neither agree nor disagree 4=Agree 5=Strongly agree 99=Don't know/not sure (for DP26 and DP28)</p> <p>DP25 The process worked well for me DP26 The process worked well for my former partner DP27 I had an adequate opportunity to put my position forward DP28 My former partner had an adequate opportunity to put their position forward DP29 The process was fair DP30 The time it took was reasonable DP31 I was satisfied with the approach taken</p>
DP32	<p>Please add any comments you might have about how your property division was sorted out?</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
DP33a DP33b DP33c DP33d DP33e DP33f DP33g DP33ot DP33na	<p>The cost of dividing your property</p> <p>What did you spend money on to divide your property? Please select all that apply. (1=selected, 0=not selected)</p> <p>DP33a Lawyer/Legal fees DP33b Valuer fees DP33c Accountant fees DP33d Mediation fees DP33e Arbitration fees DP33f Court application fees DP33g The Court ordered me to pay costs to my former partner DP33ot Something else [Go to DP33ota] DP33na None of the above – I didn't spend any money [Go to DP35]</p>

DP33ota	<p>If DP33ot=1</p> <p>What else did you spend money on to divide your property?</p> <p>Open text</p>
DP34	<p>What was the total amount you spent to divide your property?</p> <p>1=Nothing – I didn't spend any money 2=\$1-\$500 3=\$501-\$1000 4=\$1001-\$2000 5=\$2001-\$5000 6=\$5001-\$10,000 7=\$10,001-\$20,000 8=\$20,001-\$50,000 9=\$50,001-\$75,000 10=\$75,001-\$100,000 11=\$100,001-\$150,000 12=\$150,001-\$200,000 13=\$200,001-\$300,000 14=\$300,001-\$500,000 15=\$500,000 or more 99=Don't know/not sure/can't remember</p>
DP35	<p>How reasonable was the amount you spent?</p> <p>Do you think the amount you spent was ...</p> <p>1=Very unreasonable 2=Unreasonable 3=Neither reasonable nor unreasonable 4=Reasonable 5=Very reasonable</p>
DP36	<p>How affordable was the amount you spent?</p> <p>Do you think the amount you spent was ...</p> <p>1=Very unaffordable 2=Unaffordable 3=Neither affordable nor unaffordable 4=Affordable 5=Very affordable</p>

DP37	<p>Please add any comments you might have about the cost of dividing property.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
DP38	<p>Next we would like to ask you some questions about family violence.</p> <p>Do you wish to see these questions?</p> <p>1=Yes, I am happy to read the questions. (You can then still choose not to answer them or skip them by clicking the cross in the top right-hand corner) 0=No, I wish to skip these questions [Go to DPfvsup]</p>
DP39	<p>Has there ever been family violence in your relationship with your former partner, either during your relationship or following your separation? This could be physical abuse, sexual abuse, psychological abuse or dowry-related violence. Psychological abuse includes threats, intimidation or harassment, damage to property, ill-treatment of pets/animals, financial or economic abuse.</p> <p>1=Yes [Go to DP40] 0=No [Go to DP42 series] 2=Prefer not to answer [Go to DPfvsup]</p>
DP40	<p>If DP39=1</p> <p>Did family violence affect your property division?</p> <p>1=Yes [Go to DP41] 0=No [Go to DPfvsup] 2=Prefer not to answer [Go to DPfvsup]</p>
DP41	<p>If DP40=1</p> <p>How did family violence affect your property division?</p> <p>If you do not wish to answer this question, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>

DPfvsup	<p>If questions about family violence have raised any issues for you, you can access a list of support services here.</p> <p>This will open in a new tab, but you can click on the RPDNZ tab to go back to complete the survey. You can also access this list from the bottom of the 'Need help?' side bar if you'd prefer to wait until you have completed the survey.</p>
<p>DP42a DP42b DP42c DP42d DP42e DP42f DP42g DP42h DP42i DP42j DP42k DP42l DP42na</p>	<p>Challenges or difficulties</p> <p>Did any of the following make the process of dividing your property difficult? Please select all that apply. (selected=1, not selected=0)</p> <p>Personal challenges or difficulties</p> <p>Emotional distress/upset Stress/anxiety Health issues Language or cultural barriers Inability to earn an income Not being able to afford legal advice Other financial issues/problems Feeling pressured to agree Dealing with my former partner and/or their behaviour or attitude Lack of trust in my former partner Involvement of, and/or difficulty with, my former partner's partner Involvement of, and/or difficulty with extended family/whānau None of the above</p>
<p>DP43a DP43b DP43c DP43d DP43e DP43f DP43g DP43h DP43i DP43j DP43k DP43na</p>	<p>Challenges or difficulties relating to the process of dividing your property</p> <p>The time it took to resolve The financial expense/cost Accessing professional advice/help Dealing with lawyers Dealing with the Family Court Dealing with other professionals Other decisions to make/other proceedings, e.g., child support, maintenance, parenting arrangements Lack of knowledge about relationship property law Non-disclosure by your former partner of financial information Valuation of assets and property Navigating/understanding the process/system None of the above</p>

DP44	<p>Did anything else make the process of dividing your property difficult?</p> <p>1=Yes 0=No [Go to DP45]</p>
DP44ota	<p>If DP44=1</p> <p>What else made the process of dividing your property difficult?</p> <p>Open text box</p>
DP45	<p>What, if anything, would have made the process of dividing your property easier?</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>

	<p>SECTION 5 – THE OUTCOME OF YOUR PROPERTY DIVISION</p> <p>Now we are interested in the outcome of your property division – what was decided and your views on this.</p>
DO1	<p>What was the outcome of your property division?</p> <p>1=Everything is sorted out [Go to DO3] 2=There are still some things to be decided [Go to DO2] 3=We have an interim/temporary decision [Go to DO3]</p>
DO2	<p>If DO1=2 What still needs to be decided?</p> <p>Open text</p>
DO3	<p>The law says that the family home, household items (such as furniture or the car), money, debt or property the couple get during the relationship are considered to be relationship property and should be shared equally if the couple separate. This is sometimes known as a 50/50 split or the equal sharing law.</p> <p>Was your relationship property division consistent with the equal sharing law?</p> <p>1=Yes [Go to DO5] 2=To some degree/partially [Go to DO4] 0=No [Go to DO4] 99=Don't know/not sure/can't remember [Go to DO5]</p>
DO4	<p>If DO3=2 or 0 Please outline why your relationship property was not divided equally.</p> <p>Open text box</p>
DO5	<p>If FS5≠1 and/or 77 What happened with the family home?</p> <p>1=The family home is being or was sold [Go to DO6] 2=I kept the family home in the property settlement [Go to DO7] 3=My former partner kept the family home in the property settlement [Go to DO7] 4=We kept joint ownership of the family home [Go to DO7] 5=The family home is held in a trust [Go to DO7] 6=We are still in the process of sorting out the family home [Go to DO7] 77=Other [Go to DO5ota then DO7]</p>

DO5ota	<p>If DO5=77</p> <p>Please tell us what happened with the family home.</p> <p>Open text box</p>
DO6	<p>If DO5=1</p> <p>Why was the family home sold?</p> <p>Open text box</p>
DO7	<p>Did the Family Court make an occupation order in relation to the family home at any time?</p> <p>1=Yes 0=No 99=Don't know/not sure/can't remember</p>
DO8	<p>How much did children's care and contact arrangements affect the outcome of your property division?</p> <p>88=Not applicable – no children [Go to DO10] 1=Not at all [Go to DO10] 2=A little 3=A fair amount 4=A lot 99=Don't know/not sure/can't remember [Go to DO10]</p>
DO9	<p>If DO8≠88 or 99</p> <p>How did children's care and contact arrangements affect the outcome of your property division?</p> <p>Open text box</p>
DO10	<p>Was your property division settlement formalised in any way?</p> <p>0=No 1=Yes – In an informal agreement (e.g., a verbal agreement or understanding) 2=Yes – In a written agreement 3=Yes – In a written agreement, certified by a lawyer 4=Yes – In a Relationship Property Order made by the Family Court 5=Yes – By an order from a higher Court (e.g., High Court, Court of Appeal, Supreme Court) 77=Other [Go to DO10ota] 99=Don't know/not sure/can't remember</p>

DO10ota	<p>If DO10=77</p> <p>In what other way(s) was your property division settlement formalised?</p> <p>Open text</p>
DO11	<p>At the time your property division was finalised, how satisfied were you with the outcome?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
DO12	<p>At the time your property division was finalised, how fair did you think the property settlement was for you?</p> <p>1=Very unfair 2=Unfair 3=Neither fair nor unfair 4=Fair 5=Very fair</p>
DO13	<p>Please explain your reasons for how satisfied you were at the time and/or how fair you thought the property settlement was.</p> <p>Open text box</p>
DO14a DO14b DO14c DO14d DO14e DO14f DO14g DO14h DO14i DO14ot	<p>If DO12=<3</p> <p>Why did you accept the property settlement if you did not think it was fair? Please select all that apply.</p> <p>Was it because ... (1=selected, 0=not selected)</p> <p>A judge decided, so I had no choice but to accept it My lawyer advised me to accept I wanted to avoid going to court I felt pressured I thought I had no choice I just wanted to get things sorted out I felt guilty I had safety concerns I made a trade-off/sacrifice Other [Go to DO14ota]</p>

DO14ota	<p>If DO14ot=1</p> <p>Please explain why else you accepted a property settlement you did not think was fair.</p> <p>Open text box</p>
DO15	<p>A 'clean break' is based on the idea that former partners will use their share of the relationship property to start afresh and be financially independent from each other.</p> <p>How important was a 'clean break' to you?</p> <p>1=Not at all important 2=A little bit important 3=Fairly important 4=Very important 88=Not applicable or possible in my situation</p>
DO16	<p>We are interested in whether people's desire for a 'clean break' affects their relationship property division. Please explain whether, and if so how, your relationship property division was affected by you and/or your former partner wanting a 'clean break'.</p> <p>Open text box</p>

	<p>SECTION 6 – THE IMPACT OF YOUR PROPERTY DIVISION</p> <p>Did the division of your property affect you in any of the following ways? Please select all that apply. (selected=1, not selected=0)</p> <p>IM1a I moved house IM1b I moved to a new neighbourhood/town/city IM1c My financial situation improved IM1d My financial situation worsened IM1e My relationship with my former partner improved IM1f My relationship with my former partner worsened IM1ot Other [Go to IM1ota] IM1na None of the above</p>
IM1ota	<p>If IM1ot=1</p> <p>In what other ways did the division of your property affect you?</p> <p>Open text box</p>
	<p>Did the division of your property affect any children aged under 18 years in any of the following ways? Please select all that apply. (selected=1, not selected=0)</p> <p>IM2a Not applicable – no children aged under 18 when the property was divided IM2b The children moved house IM2c The children moved to a new neighbourhood/town/city IM2d The children changed schools/childcare IM2e The children’s relationship with my former partner improved IM2f The children’s relationship with my former partner worsened IM2ot Other [Go to IM2ota] IM2na None of the above – no impact on children aged under 18 years</p>
IM2ota	<p>If IM2ot=1</p> <p>In what other ways did the division of your property affect any children aged under 18 years?</p> <p>Open text box</p>
IM3	<p>Did the division of your property affect any adult children (aged 18 years and over)?</p> <p>1=Yes [Go to IM4] 0=No 88=Not applicable – no adult children</p>

IM4	<p>If IM3=1</p> <p>How did the division of your property affect the adult children?</p> <p>Open text box</p>
<p>IM5a</p> <p>IM5b</p> <p>IM5c</p> <p>IM5d</p> <p>IM5e</p> <p>IM5f</p> <p>IM5g</p> <p>IM5h</p> <p>IM5i</p> <p>IM5ot</p> <p>IM5na</p>	<p>How did dividing your property affect you personally? Please select all that apply. It affected my ... (selected=1, not selected=0)</p> <p>Physical health and wellbeing [Go to IM5aa]</p> <p>Mental health and wellbeing [Go to IM5ba]</p> <p>Financial wellbeing [Go to IM5ca]</p> <p>Relationship with my former partner [Go to IM5da]</p> <p>Relationship(s) with my child/ren [Go to IM5ea]</p> <p>Relationship(s) with other family members [Go to IM5fa]</p> <p>Employment/work/career [Go to IM5ga]</p> <p>Ability to earn an income [Go to IM5ha]</p> <p>Parenting [Go to IM5ia]</p> <p>Other [Go to IM5ota]</p> <p>None of the above – it didn't affect me personally [Go IM6]</p>
IM5ota	<p>If IM5ot=1</p> <p>In what other way(s) did dividing your property affect you personally?</p> <p>Open text box</p>
IM5otaa	<p>If IM5ot=1</p> <p>Was the impact you just described in the box above ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM5aa	<p>If IM5a=1</p> <p>Was the impact on your physical health and wellbeing ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM5ba	<p>If IM5b=1</p> <p>Was the impact on your mental health and wellbeing ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>

IM5ca	<p>If IM5c=1 Was the impact on your financial wellbeing ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM5da	<p>If IM5d=1 Was the impact on your relationship with your former partner ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM5ea	<p>If IM5e=1 Was the impact on your relationship(s) with your child/ren ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM5fa	<p>If IM5f=1 Was the impact on your relationship(s) with other family members ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM5ga	<p>If IM5g=1 Was the impact on your employment/work/career ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM5ha	<p>If IM5h=1 Was the impact on your ability to earn an income ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>

IM5ia	<p>If IM5i=1</p> <p>Was the impact on your parenting ...</p> <p>1=Positive 2=Mixed, both positive and negative 3=Negative</p>
IM6	<p>Please add any comments you may have about how dividing your property impacted on you personally?</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>
IM7	<p>How financially secure did you feel after the property division was finalised?</p> <p>1=Very insecure 2=Insecure 3=Neither secure nor insecure 4=Secure 5=Very secure 99=Don't know/not sure/can't remember</p>

SECTION 7: YOUR CURRENT SITUATION	
SN1	<p>How financially secure do you feel now?</p> <p>1=Very insecure 2=Insecure 3=Neither secure nor insecure 4=Secure 5=Very secure 99=Don't know/not sure</p>
SN2	<p>Compared with your former partner, what is your current financial position?</p> <p>1=I am in a better financial position than my former partner 2=My former partner is in a better financial position than I am 3=Our financial positions are about the same 99=Don't know/not sure 88=Not applicable</p>
SN3	<p>How satisfied are you now with the outcome of your property division?</p> <p>1=Very dissatisfied 2=Dissatisfied 3=Neither satisfied nor dissatisfied 4=Satisfied 5=Very satisfied</p>
SN4	<p>How fair do you now think the property settlement was for you?</p> <p>1=Very unfair 2=Unfair 3=Neither fair nor unfair 4=Fair 5=Very fair</p>
SN5	<p>Please explain your reasons for how satisfied you are now and/or how fair you now think the property settlement was.</p> <p>Open text box</p>

SN6	<p>How would you describe your relationship with your former partner now?</p> <p>1=Very poor 2=Poor 3=Neither poor nor good 4=Good 5=Very good 88=Not applicable</p>
SN7a SN7b SN7c SN7d SN7e SN7ot SN7na	<p>Now we are interested in whether your experience of dividing your property with your former partner has affected how you have, or might, approach new relationship(s).</p> <p>Have you done, or would you consider doing in the future, any of the following? Please select all that apply.</p> <p>Talk with your partner about how you would divide your property if you separated Get a prenuptial agreement/contracting out agreement Choose not to live with your partner Put your assets in a trust Get legal advice before living with or marrying someone Something else [Go to SN7ota] None of the above</p>
SN7ota	<p>If SN7ot=1</p> <p>What else have you done, or would consider doing in the future?</p> <p>Open text box</p>
SN8	<p>Please add any final comments you might have about relationship property division following separation.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p>

	<p>SECTION 8: DEMOGRAPHIC INFORMATION</p> <p>To ensure we have a broad range of people taking part in our survey, we would like to ask you some questions about yourself.</p>
DG1	<p>Are you ...</p> <p>1=Male 2=Female 3=Gender diverse 4=Prefer not to answer</p>
DG2	<p>What is your age in years?</p> <p>1=Under 20 years 2=20-29 years 3=30-39 years 4=40-49 years 5=50-59 years 6=60-69 years 7=70-79 years 8=80+ years 9=Prefer not to answer</p>
DG3a DG3b DG3c DG3d DG3e DG3f DG3g DG3h DG3ot	<p>Which ethnic group(s) do you belong to? Please select the option(s) which apply to you. (selected=1, not selected=0)</p> <p>New Zealand European Māori Samoan Cook Island Māori Tongan Niuean Chinese Indian Other (such as Dutch, Japanese, Tokelauan) [Go to DG3ota]</p>
DG3ota	<p>If DG3ot=1 Please state your other ethnicity.</p> <p>Open text box</p>
DG4	<p>Do you live in New Zealand?</p> <p>1=Yes</p>

	0=No [Go to DG6]
DG5	<p>If DG4=1</p> <p>What region do you live in?</p> <p>1=Northland 2=Auckland 3=Waikato 4=Bay of Plenty 5=Gisborne 6=Taranaki 7=Hawke's Bay 8=Manawatū-Whanganui 9=Wellington 10=Tasman 11=Nelson 12=Marlborough 13=West Coast 14=Canterbury 15=Otago 16=Southland 17=I live overseas</p>
DG6	<p>Were you born in New Zealand?</p> <p>1=Yes [Go to DG9] 0=No</p>
DG7	<p>If DG6=0</p> <p>What country were you born in?</p> <p>Open text box</p>
DG8	<p>If DG4=1</p> <p>How long have you lived in New Zealand?</p> <p>1=Less than a year 2=Between 1 and 2 years 3=More than 2 years, but less than 5 years 4=5 to 10 years 5=More than 10 years 99=Don't know/not sure/can't remember</p>

DG9	<p>Which of the following best describes your current living situation?</p> <p>1=I own or partly own, the house I live in – this can be with or without a mortgage 2= I live in a house held on trust that I have an interest in 3=I rent or board 77=Other [Go to DG9ota]</p>
DG9ota	<p>What is your current living situation?</p> <p>Open text box</p>
DG10	<p>What is your religion?</p> <p>0=No religion 1=Christian 2=Buddhist 3=Hindu 4=Muslim 5=Jewish 77=Other religion [Go to DG10ota] 6=Object to answering this question/prefer not to answer</p>
DG10ota	<p>If DG10=77 Please specify your religion.</p> <p>Open text box</p>
DG11	<p>What is your highest level of educational qualification?</p> <p>1=No qualification 2=Secondary school qualification (e.g., NCEA, School Certificate, University Entrance, Bursary) 3=Trade or vocational qualification 4=Tertiary qualification (e.g., Bachelor’s degree, Postgraduate Certificate/Diploma, Master’s degree, PhD)</p>

DG12	<p>What is your current annual personal income, before tax, from all sources (e.g., wages, salary, interest, child support etc.)?</p> <p>1=Loss 2=Zero income 3=NZ\$1-NZ\$5,000 4=NZ\$5,001-NZ\$10,000 5=NZ\$10,001-NZ\$15,000 6=NZ\$15,001-NZ\$20,000 7=NZ\$20,001-NZ\$25,000 8=NZ\$25,001-NZ\$30,000 9=NZ\$30,001-NZ\$35,000 10=NZ\$35,001-NZ\$40,000 11=NZ\$40,001-NZ\$50,000 12=NZ\$50,001-NZ\$60,000 13=NZ\$60,001-NZ\$70,000 14=NZ\$70,001-NZ\$80,000 15=NZ\$80,001-NZ\$90,000 16=NZ\$90,001-NZ\$100,000 17=NZ\$100,001-NZ\$150,000 18=NZ\$150,001 or more 99=Don't know/not sure/can't remember</p>
DG13	<p>Please tell us how you heard about this study, e.g., from a friend or family member, Facebook, email, a website etc. This will help us to understand how well the various ways we are promoting the survey are working.</p> <p>Open text box</p>
DG14	<p>That was the last question. Please add in any final comments you might have.</p> <p>If you have no comments to make, click on the blue x in the top right-hand corner of this box to skip the question.</p> <p>Open text box</p> <p>Remember to click 'Next page' to complete the survey.</p>

Appendix E: Interview Information Sheet



Relationship Property Division in New Zealand Study

Thank you for your interest in this study. Please read this information sheet carefully before deciding whether to participate. If you decide to participate, we thank you. If you decide not to take part, there will be no disadvantage to you and we thank you for considering our request.

Information Sheet for Interview

What is the aim of the project?

The Faculty of Law at the University of Otago is doing a study about how couples divide their property and resolve any disputes over property after they separate. We are particularly interested in the different ways that people make these decisions and what influences the outcome. We want to learn about people's use of professionals (such as lawyers, mediators, valuers, the Family Court) involved in property division after separation. We are also interested in understanding more about how people divide their property themselves without using any services, professionals or courts. We want to find out what works well and what challenges people face when dividing property after a relationship break-up in order to better assist separating couples.

What type of participants are being sought?

This study is for people who have experienced a relationship break-up and have had to divide their property. This could involve dividing assets (e.g., house/family home, car, savings, superannuation) and/or debt. If you have resolved your property division with your former partner in the last five years in New Zealand, we welcome your participation.

If a decision has been reached about the division of most of your property, but there are a few outstanding issues to resolve, you are also welcome to participate. However, if you are still in the process of dividing your property we ask that you wait until a decision has been made about the majority of your property before you take part in the interview.



Relationship Property Division in New Zealand Study

What will participants be asked to do?

If you agree to participate, you will be interviewed by a member of the research team by telephone or face-to-face (depending on your location). This should take between 30 and 60 minutes and will be arranged at a time convenient for you. You can decline to answer any questions you do not wish to answer.

We do not anticipate any risk associated with taking part in the interview. However, if you need some support with your personal and/or family situation, the interviewer can direct you to relevant services and agencies.

Please be aware that you may decide not to take part in the project without any disadvantage to yourself of any kind.

What data or information will be collected and how will it be used?

The interview will ask about: what property you had to divide and what processes you used to do so or to resolve any disputes with your former partner; if you used any professionals, services or courts to help you; any agreements you might have had with your partner prior to separating; your knowledge and understanding of the law; your views on, and experience of, making these decisions; and your perspectives on, and satisfaction with, the outcomes and consequences of dividing your property.

The interview will be audio recorded and transcribed by a professional transcription service whose transcribers have signed confidentiality agreements. Each participant will be assigned a unique identification number and no names or identifying details will be included on any audio files or transcribed material. Only members of the research team (or those employed by the research team) will have access to the data, which will be stored securely.

The study findings will not identify individual participants. Quotes from interview transcripts may be used in publications and presentations in an unidentifiable way. The findings of the research will be written up in a report which will be made publicly available. Articles will also be published in journals or presented at conferences. Every attempt will be made to preserve your anonymity.

A summary of the study findings and the final report will be made available on our study website, and participants may also contact the research team directly to obtain a copy. If you choose to provide your email address we will send you the summary directly.

The data collected will be securely stored in such a way that only the research team can access it. Data obtained as a result of the research will be retained for at least five years in secure storage. Any personal information held on the participants (such as contact details if provided) may be destroyed at the completion of the research although the data derived from the research will, in most cases, be kept for much longer or possibly indefinitely.

Can participants change their mind and withdraw from the project?

You may withdraw from participation in the study at any time before the data is analysed without any disadvantage to yourself of any kind.

What if participants have any questions?

If you have any questions about our project, either now or in the future, please feel free to contact the Project Manager:

Dr Megan Gollop
Faculty of Law
University of Otago
Tel 03 479 4918
Email megan.gollop@otago.ac.nz or rpdnz-study@otago.ac.nz

To contact a member of the research team:
Tel 0800 472 776
Email rpdnz-study@otago.ac.nz
Web rpdnz.co.nz

This study has been approved by the University of Otago Human Ethics Committee (Reference Number: 19/063). If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (tel 64 3 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix F: Interview Consent Form

[Reference Number 19/063]



RELATIONSHIP PROPERTY DIVISION IN NEW ZEALAND STUDY

CONSENT FORM FOR INTERVIEW

I have read the Information Sheet concerning this project and understand what it is about. All my questions have been answered to my satisfaction. I understand that I am free to request further information at any stage.

I know that:-

1. My participation in the project is entirely voluntary;
2. I am free to withdraw from the project at any time without any disadvantage;
3. Personal identifying information such as audio-recordings may be destroyed at the conclusion of the project but any raw data on which the results of the project depend will be retained in secure storage for at least five years;
4. This project involves an open-questioning technique. The general line of questioning includes similar topics as in the online survey about your views and experiences of relationship property division. The precise nature of the questions which will be asked have not been determined in advance, but will depend on the way in which the interview develops and that in the event that the line of questioning develops in such a way that I feel hesitant or uncomfortable I may decline to answer any particular question(s) and/or may withdraw from the project without any disadvantage of any kind.
5. This project is funded by the Michael and Suzanne Borrin Foundation.
6. The results of the project may be published and will be available in the University of Otago Library (Dunedin, New Zealand) but every attempt will be made to preserve my anonymity

I agree to take part in this project.

.....
(Signature of participant)

.....
(Date)

.....
(Printed Name)

This study has been approved by the University of Otago Human Ethics Committee. If you have any concerns about the ethical conduct of the research you may contact the Committee through the Human Ethics Committee Administrator (ph +643 479 8256 or email gary.witte@otago.ac.nz). Any issues you raise will be treated in confidence and investigated and you will be informed of the outcome.

Appendix G: Interview Schedule

INTRODUCTION

The interview will cover similar issues as in the survey, but will explore your views and experiences in more depth. It is an opportunity for you to reflect on the way you divided your property after your separation/divorce; the steps you took; what has helped and/or hindered you resolving your property division; and the impact of this process on you and your family.

We'd like to understand what is working well and whether any improvements are needed to better help separated people divide their property and resolve any property disputes.

BACKGROUND

To start it would be helpful to get a bit of background information about your situation.

We don't need to know all the details about your separation and financial position, but it would be helpful to know something about your situation.

- How long ago you and your former partner split up?
- Children together?
- When did you start the process of dividing your property? At same time as separation or after? If a delay, prompt for reasons why?

RESOLUTION PATHWAY

Very little is known in NZ about what people actually do to divide their property after they separate. So, we are interested in the different pathways that people take to divide their property and the sequence of the steps they took.

Knowledge and understanding

- **When you first began** the process of dividing your property, did you know what to do/where to start? How did you know what to do?
- How well informed did you feel about how to go about dividing your property?
- How much did you know about your financial position and the assets/debts you had to divide?
- Did you have a clear understanding of the value of your assets and/or debts?
 - If yes, how did you do this?
 - If not, what would have helped you understand these better?
- Did you understand what you / your former partner were entitled to?

Resolution process/sequence

- Who was first person/professional you spoke to/got advice from – what did they recommend? Was that helpful? Was there anyone else you spoke to? – prompt for former partner, family, friends, or someone else in your community. *I'll ask you about professionals and services in more detail later.*

- What did you do next? etc.
- Which were the most helpful steps and why?

Autonomy

- How much input did you feel you had into the way you and your former partner divided your property?
- How well were your views and interests taken into account?
- [If a parent] How well were the children's interests taken into account?

Cost

- What was the financial cost to you to divide your property?
- What did you spend money on?
 - Costs of legal advice – do think this cost was reasonable/justified?
 - Costs of other professionals – do think this cost was reasonable/justified?

FACTORS INFLUENCING RESOLUTION PATHWAY

We are also interested in what factors influenced the pathway that you took.

Why did you end up dividing your property [by yourselves/through lawyers/through Mediation/through the Family Court]?

Prompt for:

- Inter-parental relationship?
- Safety?
- Complexity?
- Financial reasons?
- Personal beliefs about best approach?
- Trade-offs/sacrifices? e.g., childcare
- Parenting arrangements?
- Cultural reasons? – prompt for family home on Māori land / taonga / and relevant cultural aspects for Pasifika and Asian interviewees.

Prenuptial agreements – did you have any agreements with your former partner before you separated about how you would divide your property and/or debts?

- If signed, and certified, did you understand what you were signing?
- Was it helpful/useful having one?

PROFESSIONALS AND SERVICES USED

Now I'd like to ask you a bit more about your experiences of, and satisfaction with, any professionals or services that you may have used to help you.

What information/advice/help did you need from any professionals or services?

- Did you seek any advice from any services, professionals or courts?
- Who/What? Lawyers? Community Law Centre? Mediator? Accountant? Family Court? Appeal Court?

For each professional/service:

- **Was this helpful?** Prompt for both positives and negatives
- **If sought legal advice** – were you given a clear picture of what you were entitled to?
- **If no legal advice** – did you understand what you were entitled to?

Any professionals that are not mentioned ... I also see that in your survey you used an accountant etc.

- Were they helpful? etc.

What help/advice did you need that you didn't get?

WHAT HELPED?

Overall, what helped you to divide your relationship property?

- What worked well?
- What (if anything) influenced you the most in finalising/settling your relationship property division?

BARRIERS/CHALLENGES

Overall, what made dividing your relationship property difficult or challenging?

- What didn't work well or was difficult?
- Did you experience any barriers or challenges?
- What would have made things easier for you?

IMPACT OF RELATIONSHIP PROPERTY DIVISION

Now I'd like to ask you about how the *process* of dividing your relationship property impacted on you and your family, and your relationship with your former partner.

- Overall, would you say it was a straightforward or difficult process? Why?
- What impact did the process have on you personally?
- Did the process of dividing your property impact on your relationship with your former partner and, if so, how? Have things improved or deteriorated since then?
- Did the process affect your children in any way?
- Other family members?

OUTCOME OF RELATIONSHIP PROPERTY DIVISION

Did the *outcome* of your property division – so what was decided and how your property was divided up – have any consequences for you and your family?

Prompt for:

- Selling family home / other assets
- Relocation
- Impact on children (if any)
- Financial situation/security –did the property division leave you in a better or worse state financially?

We are also interested in your view of the outcome of dividing your relationship property.

- How satisfied were you with the outcome? Why, why not?
- How fair did you think the division of property was? Why?

ON REFLECTION

- On reflection, is there anything you would have done differently or would do if you faced this again?
- What advice would you give to professionals/services/courts working in this area?
- What advice would you give to other people entering new relationships or to separated people dividing property?
- Based on your experience, are there:
 - any changes to the law about relationship property you would like to see?
 - any suggestions for how the process/system could be improved?

That's all we wanted to cover. Anything else you'd like to add?