

Relationships and the Law – Simple Guide

Marriage

What is Marriage?

Marriage is the formal recognition of the commitment of two people to each other.

The word “marriage” is often used to describe both the legal process, and religious ceremonies. But these two things are not connected.

A couple is legally married when they meet the requirements laid out in New Zealand law.

Marriage Rules – The Law (Marriage Act 1955)

- Any two people (any gender) aged 18+ can marry.
- People aged 16-17 can marry but need Family Court permission. Why? To stop forced marrying.
- You cannot marry close relatives like parents, siblings, or grandparents.
- If you are subject to an order made under the Protection of Personal and Property Rights Act 1988 you may need to ask the Court to allow you to marry.

Marriage Process

- Apply for a marriage license from Births, Deaths & Marriages.
 - Sign a legal declaration and pay a fee.
 - Wait at least 3 days for approval from Registrar. If you are under 18, then you need to wait until the court gives approval
 - Have the wedding within 3 months of getting the licence, with an approved celebrant (doesn't have to be religious).
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Civil Unions

Civil Union: alternative legal framework to create a legal relationship instead of marriage.

When the Marriage Act was first written, marriage was defined as being between one man and one woman.

This meant that same-sex couples in NZ couldn't get legally married, so same sex couples did not get any of the legal rights that married couples have.

Civil unions were introduced in 2004 to allow the formal recognition of the relationship between two people (regardless of gender) so they could get most of the legal rights that married couples did.

In 2013, the law was changed to make same-sex marriage legal, so civil unions have become less common.

Entering a civil union follows the same rules as getting married.

Civil unions give most of the same legal rights as marriage. One difference is that civil union partners cannot adopt children.

De Facto Relationships

A **de facto** relationship is when two people (any gender) live together in a relationship like a marriage, but without a legal marriage or civil union.

- **Age limit:** Both must be 16+, but 16-17-year-olds still need court permission for the relationship to be formally recognised.
 - Different laws use different definitions of "de facto" depending on the situation (e.g., property rights, benefits).
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Polyamory Relationships

- Polyamory is when more than two consenting adults are in a romantic relationship together at the same time.
 - NZ law does not allow any person to be married or in a civil union with more than one other person at the same time—it is illegal. Means break the law.
 - This means that some of the relationships in a polyamory situation will be de facto
 - However, courts have recognised property rights in polyamorous relationships by treating each pair as a separate relationship.
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Dissolution of Marriage or Civil Union (Divorce)

- NZ has “**no-fault**” divorce – You only need to show that the relationship is permanently broken down.
 - Need to apply to the Family Court for dissolution.
 - You must be separated for **at least 2 years** before applying.
 - The application for dissolution can be made by one person, or both people.
 - One person in the relationship must be in New Zealand.
 - You cannot remarry or enter a new civil union until the dissolution is confirmed by the court.
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Property and Money After a Breakup

Covered by Property (Relationships) Act 1976 – applies to marriages, civil unions, and de facto relationships.

What is Relationship Property?

Two types of property defined under the Act:

- **Relationship Property** (shared property) – usually things gained during the relationship (e.g., family home, joint bank accounts).
 - **Separate property** (personal property) – anything that is not relationship property - often things owned by one person before the relationship began, held in trusts or personal gifts/inheritances. These must be kept completely separate.
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The Act defines what each type of property is, and when some property should be considered relationship property or not.

How is Property Split?

If the relationship lasted over 3 years, the law usually splits relationship property equally.

However, couples can make a legal relationship property agreement to arrange a different split. You should each get legal advice from an independent legal professional before you sign any agreement about splitting relationship property-especially if you have children or a lot of property

Debts

- **shared debts** – for example: Loans, mortgages taken together.
- **personal debts** – for example: Credit card debt in one person's name.

Financial Support After Separation

- If one partner needs money to support themselves after a breakup, the other may have to help for a period. This is called "maintenance."
- If you have children under 19 and they are still at home, you will need to ask MSD/IRD about child support obligations

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