



Divorces



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Divorces

Abstract

Divorce statistics measure the number of dissolutions of marriage and civil unions that have orders granted in New Zealand.

As the principal agency responsible for processing and publishing divorce statistics in New Zealand, Statistics New Zealand seeks to provide information that meets the legal, public policy and community requirements for up-to-date official statistics at the local, regional and national level.

Purpose

Divorce data are published annually and unless otherwise stated refer to orders for dissolution of both marriage and civil union granted in New Zealand.

An application for marriage or civil union dissolution can be made by either partner on grounds that the marriage or civil union has broken down irreconcilably, provided a two-year separation requirement is satisfied. One or both partners must be domiciled in New Zealand. Dissolution Orders are granted by the Family Court. Family Courts are located throughout New Zealand.

Population

Divorce Population

Divorce Population

All orders for dissolution of marriage granted in New Zealand

Divorces

Data Collection for Divorces

Methodology

Method of Collection

The Family Court where the Dissolution Order is granted completes a Dissolution of Marriage Form JS/FP/03. Each month, the JS/FP/03 forms are sent to the Population Statistics Unit, Statistics New Zealand, where the information is processed. The JS/FP/03 is usually accompanied by a copy of the Family Court Information sheet (sometimes called a FP7 or G7). The Information sheet is used to validate the information recorded on the JS/FP/03.

Processing errors

There is always the chance of processing errors happening but quality control measures are in place. These include:

- Verification of outliers.

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- Checking for valid codes.

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- Removal of duplicate records.

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- Following up missing responses.

Collection Events

1953 -

Intended Frequency

Annual

Date	1953 -
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Significant events impacting this study series

Important Dates Relating to Divorce Legislation in New Zealand

Before 1867 As was the case in England prior to 1857, only an Act of Parliament could permit a full divorce allowing remarriage and this could only take place in England.

Note: This was a very expensive procedure. In England between 1715 and 1852 only 184 divorces were granted, all but 4 were granted to male petitioners.

1867 Divorce and Matrimonial Causes Act was passed (a carbon copy of that passed in England in 1857). Judgement on divorce proceedings was passed over to the courts. A husband could divorce his wife on the grounds of her adultery. However, a husband's adultery was not sufficient grounds for divorce alone. A wife must also prove some other ground such as, cruelty, desertion or bigamy. All cases had to be heard in Wellington before three judges.

1881 Divorce and Matrimonial Act changed so that only one Judge sitting alone could hear petitions.

1881 - 1898 Attempts to change the law and loosen up the grounds for divorce were made.

1898 The Divorce Act passed. Favourable conditions for the passing of this act were the suffragette movement and membership of the Legislative Council which condoned changes (the church vehemently opposed these changes).

Grounds for divorce were based on matrimonial fault and were:

- Adultery by either spouse.
- Desertion for 5 years.
- Habitual drunkenness for 4 years coupled with failure to maintain and cruelty.
- Imprisonment for 7 years or more for attempted murder of the petitioner.
- Failure to comply with law requiring restitution of conjugal rights (ORCR).

Note: This last condition was to be a point of contention over the following years, as it came to be abused.

19th Century Even though the number of divorces in the nineteenth century was low there is much evidence to support the fact that marriage and family relationships were far from good. In 1877 the Destitute Persons Act provided for the payment of maintenance to deserted wives and later included physical protection of wives (see Carmichael p.313-315).

1907 Divorce and Matrimonial Causes Amendment Act.

Removed grounds for divorce based on ORCR and added further grounds for divorce:

- spouse was of unsound mind for 10 of the previous 12 years
- spouse had been convicted of murdering a child of the marriage.

1912 Changes meant that grounds for divorce based on an unsound mind were shortened to 7 out of 10 years.

1920 Divorce and Matrimonial Causes Amendment Act substantially liberalised grounds for divorce and was passed with surprising ease.

Grounds for divorce were extended to:

- Where parties involved had been separated (by decree of separation, separation by agreement or mutual consent) for 3 years. Discretion in the court decision was involved here.
- Grounds for failure to comply with ORCR were reinstated.
- Seven or more years imprisonment for wounding spouse or a child of the marriage.

1922 Slight amendment to the law so that if the innocent party objected to the discretionary decision of 3 years separation, the case was dismissed.

At this time New Zealand had the most liberal divorce laws in the British Empire and because of this no other changes were made to legislation until 1953.

1922 - 1953 Noted at this time that 20 percent of divorces were instituted on the grounds of failure to comply with ORCR, also that no definite proof of 3 years separation was available (implied dishonesty) and finally that rapid divorce could be obtained for those who could afford two suits but not otherwise.

1953 Divorces and Matrimonial Causes Act.

Main changes in the Act were to:

- Abolish failure to comply with ORCR as grounds for divorce.
- Extend the 3 year period of separation to 7 years continuous separation with little likelihood of reconciliation.
- A proviso in this act stated that a petition be dismissed if the respondent could prove that the petitioners wrongful conduct caused the separation.

1963 This proviso (3.) caused problems and it was waived in 1963 by the Matrimonial Proceedings Act. Two minor new grounds for divorce were added. At this time there now existed 24 grounds for divorce.

1968 Matrimonial Proceedings Amendment Act.

- Reduced waiting period for establishing grounds for desertion, separation and drunkenness from 3 to 2 years.
- Reduced the period for living apart from 7 to 4 years.

Rapid rise in the divorce rate through the late 1960s and 1970s ensured that further changes were to come.

1981 Family Proceedings Act 1980.

The Act became effective on 1 October 1981, and removed divorce from the High Court to the newly created Family Court. From that date, for legal purposes, the term divorce became 'dissolution of marriage', for which application must be made to the Family Court. Under the new Act, an application for dissolution on the grounds that the marriage has broken down irreconcilably may be joint or made by either the husband or wife, provided they can satisfy the two-year separation requirement.

The passing of the Family Proceedings Act marked the final step in the transition from a law which upheld Christian Doctrine of marriage as a religious sacrament to one which sees it as a social contract subject to the wills of its signatories.

As a result of these legislative changes, the number of marriage dissolutions jumped from 6,493 in 1980 to 8,590 in 1981 and to 12,395 in 1982, but then fell to 8,607 in 1985 and to 8,555 in 1989.

2005 Civil Union Act 2004 came into force on 26 April 2005. First ceremonies were celebrated on 29 April 2005. This Act introduced a new form of legal relationship. Two people aged 18 years and over, whether of opposite or the same sex, can enter into a civil union provided they are not currently married to or in a civil union with someone else. People aged 16 and 17 years must have their guardian's consent to enter a civil union.

2014 The 'Divorces by family court' data series on Infoshare will not be updated beyond the December 2013 year. This is due to a recent processing change at the Ministry of Justice, with the family court information no longer available.

2014 Divorce rates will change from solely divorces as a proportion of the population, to cover all dissolutions of marriages and civil unions. Divorce rates will be revised from 2006 onwards.

2016 With the introduction of same-sex marriage in 2013, the number of civil unions has decreased significantly and interest has shifted from civil unions and marriages to same-sex and opposite-sex couples. As a result marriages and civil unions have been combined in most cases, with same-sex and opposite-sex breakdowns given where possible. New data series have been added to Infoshare under the subject category 'population' and group 'marriages, civil unions, and divorces.'

2016 All marriage, civil union, and divorce data has been randomly rounded to protect confidentiality. Individual figures may not add up to totals, and values for the same data may vary in different tables. Median ages have been recalculated using randomly rounded data. We are committed to ensuring confidentiality by not releasing information that could identify individuals. Random rounding is used to disguise small counts, but all cells in a table are randomly rounded. Counts that are already a multiple of three are left unchanged. Those not a multiple of three are rounded to one of the two nearest multiples. For example, a one will be rounded to either a zero or a three. Each value in the table is rounded independently. This means counts may not sum to totals, but ensures that published totals are within two of the original number.

Reference: G.A. Carmichael, Aspects of Ex-Nuptiality in New Zealand. Thesis for Doctor of Philosophy, Australian National University, 1982.

Usage and limitations of the data

From 2014, there is no geographic breakdown of where divorces occur in New Zealand. This is due to a processing change at the Ministry of Justice, with the family court information no longer available.

Before 2014, the field Court Number provided a geographical breakdown by the family court that granted the dissolution. However, no information is available for residence of husband or wife at the time the divorce became legal. It is not correct to assume that the divorce occurred where the husband or wife normally lived.

Because of the small number of civil union dissolutions the only information currently available is the total number of orders of dissolution of civil unions granted to date. There is an insufficient number of civil unions to compare the proportion of civil unions being dissolved with the proportion of marriages ending in divorce.

Main users of the data

Statistics New Zealand, International Agencies (UN), Yearbook

Frequency

- Annual

Related Materials

Other

- [Marriages, Civil Unions, and Divorces](#)
- [Family Court of New Zealand](#)

Variables

Concepts

Divorce

Name	Description
Divorce Rate	Orders for dissolution of marriage and civil union granted in New Zealand per 1,000 estimated existing marriages and civil unions.
Divorce Rate before 2005	The number of divorces per 1,000 estimated existing marriages.
Divorced	<p>People for whom a decree or order or any legislative enactment for divorce or dissolution or nullity of marriage or civil union or of a dissolution of a voidable marriage or civil union exists.</p> <p>People who are 'divorced' are a) legally able to remarry, b) are not currently married or separated, and c) are not currently widowed.</p>
Decree Absolute	A final order for divorce allowing either partner to remarry, issued after a decree nisi.
Decree Nisi	A provisional order for divorce issued before a decree absolute.
Median Age	<p>Median Age Half the population is younger, and half older, than this age.</p>
Occupation	A set of jobs which involve the performance of a common set of tasks.
Age-specific	A measure relating to an age group. Age-specific rates are commonly calculated for fertility, mortality, marriage, marriage dissolution and abortion.
De facto Relationship	<p>Two people usually living in the same dwelling, but not in a registered marriage to each other, who:</p> <p>a) share a mutual concern for each other;</p> <p>b) have a degree of economic, social, and emotional interdependence; and</p> <p>c) consider their relationship to be akin to marriage.</p>
Divorce	The dissolution of a marriage or civil union. An application for marriage or civil union dissolution can be made by either partner on grounds that the marriage or civil union has broken down irreconcilably, provided a two-year separation requirement is satisfied. One or both partners must usually live in New Zealand. The Family Court grants Dissolution Orders. Family Courts are located throughout New Zealand but since 2014 almost all applications for divorce have been processed by the Wellington court.
Marital Status	<p>A person's status with respect to the marriage laws or customs of the country.</p> <p>*Legal* marital status is a person's status with respect to registered marriage.</p> <p>*Social* marital status is a person's status with respect to consensual union (partnered or unpartnered).</p>

Civil Union

Name	Description
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Civil Union (registered)

Civil Union (registered)

The act, ceremony or process by which the legal relationship of two people is constituted. A civil union may be entered into by couples of the same sex or by couples of different sexes. In New Zealand, a civil union may be solemnised either by a civil union celebrant or before a registrar of civil unions. A licence must be obtained from a registrar before a civil union can be solemnised, and notice must be given by one of the parties to a registrar.

Same-sex Partners

Same-sex Partners

Two people of the same sex who are in a consensual union.