

Separating during lockdown? Here are some things you need to know

Lockdown can be a very stressful time for relationships. The team at Webb Farry Lawyers are available to assist with any other questions you may have.

New Zealand has been plunged unexpectedly into another lockdown and it is timely to consider what that means for couples experiencing difficulties or beginning the process of separating. As with our previous lockdowns, New Zealanders need to stay in the bubbles that were established at the beginning of the lockdown period. This is particularly difficult for couples who want to separate during this period and we have outlined some practical advice below.

- The most important step is ensuring that you are safe. If family violence is an issue, then it is important to contact the Police, Women's Refuge, or another appropriate agency as soon as possible to secure your immediate safety. You can still apply for a Protection Orders during lockdown.
- It is important that you establish the date that you and your partner separated. You may be able to do this by mutual agreement – if so, it is a good idea to record this in writing when you agree. Otherwise, you may need to think about your situation and determine at what point the relationship was truly over for you and when that was made clear to you and your partner.
- You can still legally separate from your partner regardless of the fact that you need to remain in the same household until lockdown is over. It may be easier to move into a separate bedroom, but even if that option is unavailable to you it will not prevent you from establishing a separation date. The separation date is important because, generally, the relationship property available for division is the property (and the value of that property) at the date of separation. If you are married, the separation date is used to calculate the two year period you must wait before applying to dissolve your marriage.
- If you have children it is important to consider what the care arrangements for the children will be. The care arrangements will not take effect until after lockdown (once you can live in separate houses), but it is a good time to plan for the care arrangements once lockdown is lifted and one party moves out of the home. Care arrangements do not need to be formally recorded but having them in writing, such as in a Parenting Agreement, can reduce the chance of any arguments down the track. If you cannot agree on care arrangements and you want some assistance from a trained mediator, then the Family Dispute Resolution services are still available during the lockdown with those mediations taking place via phone or Zoom.
- Again, if there are safety concerns for the children or other care and protection concerns, then you can still make an urgent application for a Parenting Order during the lockdown.



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- It is important that you involve a lawyer at an early stage of your separation to help advise you on your entitlements and the legal process for recording the separation and property division. Most lawyers are set up to work from home remotely and can advise you by phone, zoom or email. It is possible to complete the entire legal process of the separation during the lockdown with the ability to draft Agreements, provide independent legal advice, and sign those Agreements via video conferencing technology.



Kimberly Jarvis
Partner

M: 027 237 1913
E: kjarvis@webbfarry.co.nz



Ben Taylor
Senior Solicitor

M: 021 523 1091
E: btaylor@webbfarry.co.nz

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