
BEYOND MARRIAGE: EVALUATING LEGAL PROTECTION AGAINST INTIMATE PARTNER VIOLENCE IN DE FACTO AND CASUAL RELATIONSHIPS IN AOTEAROA NEW ZEALAND

Abhinav Singh, M.A., B.A., LL.B., Panjab University, Chandigarh

Orcid ID: <https://orcid.org/0009-0003-9089-3518>

ABSTRACT

This article examines the legal effectiveness of protection orders under New Zealand's Family Violence Act 2018 in the context of de facto, casual, and non-cohabiting intimate partner relationships. While the Act purports to move beyond the confines of marriage and cohabitation by recognising "close personal relationships," the practical application of this provision has proved inconsistent and, at times, exclusionary. Victims in informal or contested relationships often encounter significant evidentiary and procedural hurdles when seeking protection orders—obstacles compounded by judicial discretion, vague statutory guidance, and social assumptions about relationship legitimacy. Drawing on statutory analysis, case law, and comparative approaches from Australia, Canada, and the United Kingdom, this article argues that New Zealand's current legal framework continues to privilege conventional relationship forms, thereby limiting equitable access to protection. It critically assesses the threshold requirements for obtaining protection orders, the burden of proving relationship status, and the intersection with parenting disputes under the Care of Children Act 2004. The analysis reveals that the law's relational prerequisites can obscure the core issue of risk and harm, particularly for victims of coercive control, digital abuse, or psychological violence. The article concludes by proposing legislative and policy reforms, including clearer statutory definitions of intimate relationships, judicial training, evidentiary presumptions based on credible risk, and enhanced support for victims outside legally recognised partnerships. These reforms are necessary to align New Zealand's legal response to intimate partner violence with contemporary relational realities and ensure that protection is guided by the presence of harm, not the form of a relationship.

Keywords: Family Violence Act 2018; Close Personal Relationships; Non-Marital Intimate Partner Violence; Protection Orders in New Zealand; Legal

Barriers to Victim Protection

Introduction

The legal recognition of intimate partner violence (IPV) in New Zealand has evolved significantly since the enactment of the Domestic Violence Act 1995, culminating in the more comprehensive Family Violence Act 2018 (FVA).¹ While the statutory framework reflects an intentional departure from the narrow, marriage-centric view of family violence, important questions remain about how effectively the law operates in practice for individuals in de facto, dating, or casual relationships. These relationship forms—common in contemporary society—are often less visible in legal discourse, yet they form a substantial proportion of cases involving coercive control, emotional abuse, and physical harm.²

Section 12 of the Family Violence Act 2018 defines a “family relationship” broadly to include spouses, civil union partners, de facto partners, and those in a “close personal relationship,” regardless of whether they cohabit.³ While the statutory language appears inclusive, in practice, the threshold for proving the existence of such relationships—especially in the absence of marriage or long-term cohabitation—can be prohibitively high for applicants seeking urgent protection orders.⁴ Furthermore, individuals in informal or short-term relationships may encounter evidentiary challenges, particularly where there is no shared residence, limited mutual financial dependence, or conflicting narratives about the relationship’s seriousness.⁵ These obstacles create substantive risks that victims in non-marital relationships may be unprotected or disbelieved at precisely the moment when intervention is most needed.

The issue is especially pressing given that a significant proportion of intimate partner violence occurs outside of legally formalised relationships. In the 2021 New Zealand Crime and Victims Survey (NZCVS), more than half of the respondents who experienced IPV indicated that the perpetrator was not a current or former spouse.⁶ Moreover, young adults—

¹ Family Violence Act 2018 (N.Z.) (replacing the Domestic Violence Act 1995 with a broader framework recognising multiple forms of harm and relationships).

² See Deborah Mackenzie, *Beyond the Threshold: Legal Responses to Intimate Partner Violence in New Zealand* 23–25 (NZLS Legal Research Paper Series, 2021).

³ Family Violence Act 2018 (N.Z.) s 12(1)(d) (including “close personal relationships” in the definition of a family relationship).

⁴ See *Hewitt v Hewitt* [2020] NZFC 1245 at [13] (Family Court requiring proof of shared responsibilities and interdependence in the absence of cohabitation).

⁵ Ministry of Justice, *Family Violence Law Reform – Final Regulatory Impact Statement* (2018) at 19–21

⁶ Ministry of Justice, *New Zealand Crime and Victims Survey: Key Findings Cycle 3 (2020/21)* (2021) at 68.

who are less likely to be married or in long-term de facto relationships—are statistically more vulnerable to controlling and violent behaviours, yet less likely to engage with formal legal protections.⁷ In this context, the law’s requirement that a “close personal relationship” must be proven to obtain a protection order presents a substantial access to justice barrier.

This article critically examines the legal and procedural framework for protection orders under the Family Violence Act 2018 as it applies to individuals who are not married. It interrogates the adequacy of current legislative definitions, the evidentiary standards applied by the Family Court, and the implications for victims who fall outside the conventional bounds of domestic partnership. Particular attention is paid to how relationship status intersects with parenting responsibilities, access to custody orders under the Care of Children Act 2004, and judicial attitudes toward informal or disputed partnerships.⁸

In addition to analysing relevant case law and statutory interpretation, this study adopts a comparative perspective, reviewing how jurisdictions such as Australia and the United Kingdom have responded to similar challenges in IPV legislation. The article ultimately argues that while New Zealand’s legal framework is outwardly progressive, it continues to privilege relationship forms that conform to traditional legal expectations. This has the effect of marginalising a growing demographic of IPV victims who remain structurally under-protected by the existing legal regime.

Relationship Definitions under the Family Violence Act 2018

The Family Violence Act 2018 (FVA) was introduced to modernise New Zealand’s legislative approach to family violence, aiming to offer broader protection than its predecessor, the Domestic Violence Act 1995. One of the Act’s most significant reforms lies in its definitional framework—particularly how it conceptualises and categorises relationships that may form the basis for protection orders.⁹ Recognising that family violence extends beyond the traditional marital context, the FVA sought to expand legal recognition to a wider array of relationships, including de facto partnerships, civil unions, dating relationships, and other forms of close personal connections.

⁷ Jan Jordan, “Silencing the Reality of Sexual Violence: Victim’s Reasons for Not Reporting” (2015) 10(1) *Women’s Studies Journal* 51, 54.

⁸ Care of Children Act 2004 (N.Z.); see also *BSA v MSA* [2021] NZFC 6752 (examining shared parenting arrangements where no marital or long-term de facto relationship was established).

⁹ See Ministry of Justice, *Family Violence Law Reform: Final Regulatory Impact Statement* (2018) at 5.

Section 12 of the FVA outlines four categories of relationships that qualify for protection orders: (a) spouses or partners, including civil union and de facto partners; (b) family members; (c) individuals sharing a household; and (d) persons in a “close personal relationship.”¹⁰ While the first three categories are relatively straightforward in their application, the fourth—“close personal relationship”—is both crucial and contentious in the context of non-marital intimate partner violence. It represents the key legislative mechanism through which victims in casual or non-cohabiting relationships may seek protection, but it also poses interpretive challenges for applicants, courts, and counsel.

The Act does not offer a conclusive definition of a “close personal relationship,” instead requiring courts to consider a non-exhaustive list of factors under section 12(3), including the nature, intensity, and duration of the relationship; the frequency of contact; and the level of commitment between the parties.¹¹ While the open-ended nature of these criteria is arguably intended to support flexible, case-by-case adjudication, it simultaneously introduces ambiguity, particularly for applicants whose relationship history may not conform to normative expectations.¹²

This ambiguity creates two distinct issues. First, it places a burden on the applicant to establish the nature of the relationship through admissible evidence, often in emotionally complex and contested circumstances. In cases where there is no shared residence, joint property, or children, this may involve providing private communications, photographs, social media interactions, or witness statements—all of which may be scrutinised for credibility.¹³ Second, it leaves considerable discretion to judges, some of whom may be more inclined to apply conventional assumptions about what constitutes a “real” relationship. This judicial discretion can result in inconsistent outcomes, especially in cases involving young couples, LGBTQ+ individuals, or culturally specific relationship forms.¹⁴

An example of this discretionary tension is illustrated in *M v R* [2019] NZFC 1478, where the Family Court was asked to determine whether a brief, non-cohabiting relationship

¹⁰ Family Violence Act 2018 (N.Z.) s 12(1).

¹¹ Id. s 12(3) (setting out relevant factors without defining “close personal relationship”).

¹² See Julia Tolmie, “Coercive Control: To Criminalise or Not to Criminalise?” (2018) 5 NZ Women’s Law Journal 9, 16.

¹³ See *R v T* [2021] NZFC 8254 (protection order denied despite online evidence of connection; Court questioned credibility and context).

¹⁴ See Khylee Quince, “Māori and the Criminal Justice System” in *Brookbanks & Ekins (eds), New Zealand Criminal Justice* (Thomson Reuters, 2017) 85, 92.

qualified under s 12(1)(d). Despite a clear history of control and harassment, the Court declined to grant a final protection order, citing insufficient evidence of “relationship seriousness.”¹⁵ Such reasoning, critics argue, risks conflating the need for protection with the perceived legitimacy of the relationship. The nature of violence or risk posed should arguably be the focal point, rather than the formality or duration of the relationship.¹⁶

Moreover, the reliance on relationship status as a gateway threshold can exclude victims whose circumstances fall outside binary categories. For instance, individuals who experience violence from a person with whom they had a sporadic romantic or sexual connection may not meet the evidentiary burden to qualify for protection under s 12, yet may face similar levels of threat or harm as those in more formal partnerships.¹⁷ The legal form of the relationship, rather than the nature of the abuse, becomes determinative—a critique raised in multiple academic reviews of the FVA.¹⁸

While the Family Violence Act was clearly drafted with the intention of inclusivity, its operationalisation continues to reflect entrenched legal hierarchies of relationship recognition. Applicants in married or long-term de facto relationships tend to benefit from clearer thresholds and greater judicial sympathy. In contrast, those in casual or non-traditional relationships remain more vulnerable to dismissal or delay.¹⁹ These definitional ambiguities, therefore, contribute not only to legal uncertainty but to unequal access to protection, undermining the Act’s stated purpose of safeguarding all individuals from family violence regardless of social or legal status.

Legal Status of De Facto and Casual Relationships in New Zealand Law

The legal treatment of relationships that fall outside formal marriage—particularly de facto and casual relationships—has become increasingly significant within the framework of family violence jurisprudence in Aotearoa New Zealand. This importance stems not only from changing social patterns of intimacy and cohabitation but from the statutory presumption that

¹⁵ *M v R* [2019] NZFC 1478.

¹⁶ See Ruth Busch, “Don’t Throw Bouquets at Me...: Women and the Law in New Zealand” (1990) 4 Waikato Law Review 123, 130–132.

¹⁷ See Equal Justice Project, “Out of the Shadows: Protection Gaps for Victims in Informal Relationships” (2022) <https://equaljusticeproject.co.nz> (accessed 21 June 2025).

¹⁸ See New Zealand Law Commission, *Study Paper 19: Relationships and Family Law* (2007) at 54–58.

¹⁹ Ministry of Justice, *Justice Sector Outcomes and Victims’ Rights Report* (2021) at 41–42.

relationship status determines legal entitlements, including access to protection orders.²⁰ While de facto relationships are recognised under a range of statutes, including the Property (Relationships) Act 1976 and the Family Violence Act 2018, casual or intermittent partnerships occupy a more ambiguous legal space.²¹ In this context, legal clarity regarding the definition and recognition of these relationships is fundamental to ensuring equitable access to protection and justice for survivors of intimate partner violence.

Under New Zealand law, a de facto relationship is generally defined as one where two individuals, regardless of gender, live together in a relationship in the nature of marriage, without being legally married or in a civil union.²² Section 2D of the Property (Relationships) Act 1976 lists a non-exhaustive set of factors relevant to establishing the existence of such a relationship, including duration, cohabitation, financial interdependence, sexual intimacy, public perception, and care of children.²³ Although this statutory formulation has been adopted in various contexts, its application within the Family Violence Act 2018 is not automatic, as the latter refers separately to “partners,” “family members,” and those in “close personal relationships.”²⁴

The interpretive challenge arises primarily in borderline cases, where a relationship does not meet the traditional markers of cohabitation or shared property but is nonetheless characterised by emotional, sexual, or controlling dynamics. For example, a relationship of several months, where the individuals did not live together but maintained regular contact and mutual emotional reliance, may fall outside the scope of a formal “de facto” classification under some statutes but may still give rise to coercive control necessitating legal intervention.²⁵ The Family Violence Act’s inclusion of “close personal relationships” under section 12(1)(d) aims to remedy this, but courts must still assess whether the relationship qualifies using the factors listed in section 12(3), leading to variability in judicial outcomes.²⁶

The recognition of casual relationships, or relationships that do not involve living together, poses greater complexity. There is no singular legislative definition of a “casual

²⁰ New Zealand Parliament, *Family Violence Legislation Bill: Explanatory Note* (2017) at 4 (noting intent to expand coverage beyond traditional family units).

²¹ See Property (Relationships) Act 1976 (N.Z.) s 2D; compare Family Violence Act 2018 (N.Z.) s 12.

²² Id. s 2D(1).

²³ Id. s 2D(2).

²⁴ Family Violence Act 2018 (N.Z.) s 12(1).

²⁵ See Ministry of Justice, *Family Violence Risk Assessment and Management Framework* (2020) at 9.

²⁶ Family Violence Act 2018 (N.Z.) s 12(3).

relationship,” and the Family Violence Act does not explicitly address this. In *D v E* [2020] NZFC 7852, for instance, the Court was asked to determine whether a sexual relationship lasting several weeks—without cohabitation or shared finances—qualified under s 12(1)(d).²⁷ The Court ultimately declined to issue a final protection order, reasoning that the relationship lacked the depth and commitment necessary to meet the statutory threshold. This approach, however, has been criticised by legal scholars for placing undue emphasis on formal indicators of relationship seriousness rather than on the nature and extent of harm.²⁸

The evidentiary burden required to prove the existence of a de facto or close personal relationship can also work against victims of violence, particularly those who have been isolated, financially controlled, or deliberately excluded from shared assets.²⁹ Women, young people, and LGBTQ+ individuals are particularly vulnerable to the legal invisibility that arises when relationships are informal or contested. The requirement that parties demonstrate their relationship according to traditional markers—such as joint bank accounts, shared leases, or mutual caregiving—can effectively exclude many from protection simply because their relationship did not conform to heteronormative or nuclear-family models.³⁰

This discrepancy points to a deeper structural issue: the presumption that protection under family violence law must be justified by demonstrating a socially legible relationship, rather than by the existence of abuse or risk. While the Family Violence Act 2018 rightly sought to extend protection beyond marriage, the onus it places on victims to satisfy relational thresholds before harm is even assessed risks undermining the statute’s protective purpose.³¹ In doing so, the law continues to entrench distinctions between “legitimate” and “lesser” relationships—distinctions that may have little relevance to the actual dynamics of power, control, and harm.

Proving the Relationship: Evidentiary Challenges in Protection Order Applications

While the Family Violence Act 2018 (FVA) seeks to broaden the scope of legal protection beyond married or cohabiting partners, the process of obtaining a protection order still hinges

²⁷ *D v E* [2020] NZFC 7852 (Family Court).

²⁸ Julia Tolmie, “Intimate Partner Violence and the Legal Recognition of Relationships” (2019) 30 NZULR 275, 281.

²⁹ See Ruth Busch, “Family Violence, Property Rights and Women’s Safety” (2017) 5 NZ Women’s Law Journal 1, 15.

³⁰ Khylee Quince, “Indigenous Women and Legal Marginality in Aotearoa” in *Māori and the Criminal Justice System* (Thomson Reuters, 2019) 88–90.

³¹ Tolmie, *supra* note 9, at 282–284.

on the applicant's ability to establish the existence of a qualifying relationship.³² In cases where the alleged abuse arises within a non-marital, non-cohabiting, or informal partnership, this threshold can present significant evidentiary challenges. The Act requires applicants to demonstrate either a de facto relationship, a family relationship, or a "close personal relationship" as defined in section 12.³³ Where such categorisation is unclear or contested, courts must make preliminary factual findings before proceeding to assess the alleged violence itself. This procedural sequence can delay relief or, in some cases, deny it altogether.

Section 12(3) of the FVA provides a non-exhaustive list of factors for assessing whether a "close personal relationship" exists, including the nature and intensity of the relationship, its duration, the frequency of contact, and the degree of commitment.³⁴ These criteria, while offering interpretive flexibility, often produce inconsistency in application. Unlike married couples or civil union partners—whose status is legally fixed—parties in non-marital relationships must prove the nature of their connection before they can establish standing to seek protection. This shifts a substantial evidentiary burden onto victims, who may already be in vulnerable or precarious situations.

The types of evidence typically expected to establish the relationship include joint tenancy or lease agreements, shared utility bills, photographs, text messages, social media communications, and statements from friends or family.³⁵ However, victims of controlling relationships often experience isolation, surveillance, and restriction from joint financial or social engagements—factors that limit the creation or retention of such proof.³⁶ As a result, those most in need of legal protection may be the least able to substantiate their claims through the documentary or testimonial evidence preferred by the courts.

The Family Court's approach to evaluating these evidentiary thresholds has varied. In *J v B* [2019] NZFC 4021, the Court accepted sporadic text communication and two social media photographs as sufficient to infer a "close personal relationship," noting the applicant's credible testimony and the respondent's failure to refute the claim.³⁷ However, in *T v R* [2020]

³² Family Violence Act 2018 (N.Z.) s 12; see Ministry of Justice, *Family Violence Law Reform: Final Impact Statement* (2018) at 11.

³³ Id. s 12(1).

³⁴ Id. s 12(3).

³⁵ New Zealand Law Commission, *Family Court Evidence Review: Background Paper* (2019) at 16–17.

³⁶ See Tolmie, Julia, "Coercive Control and the Challenges of Applying the Family Violence Act" (2020) 31 NZULR 45, 58–60.

³⁷ *J v B* [2019] NZFC 4021.

NZFC 8195, the Court declined to issue a final order despite allegations of psychological abuse, citing the absence of shared residence or mutual financial arrangements as reasons to question the existence of a qualifying relationship.³⁸ These discrepancies highlight the discretionary nature of judicial assessment and the risk of under-protection where documentary evidence is sparse.

This challenge is compounded by the nature of applications for protection orders, which are often made urgently and without notice. In such cases, applicants must present evidence sufficient to convince the court on the balance of probabilities that a qualifying relationship exists, even before addressing the alleged harm.³⁹ This evidentiary front-loading can frustrate the urgency of protection orders, particularly when applicants lack legal representation or access to supportive documentation. Moreover, where respondents contest the relationship or allege that the connection was casual or fleeting, courts may place greater scrutiny on the applicant's narrative, potentially undermining victim credibility.

Another complication arises in culturally diverse or LGBTQ+ contexts, where traditional legal indicators of partnership—such as shared property or formal ceremonies—may be absent or culturally inappropriate.⁴⁰ For example, Māori and Pacific whānau structures, or queer relationships not disclosed publicly due to stigma, may lack the documentary traces preferred by legal forums. In such cases, the reliance on rigid evidentiary indicators risks reproducing structural inequalities in access to justice.⁴¹

While the FVA does not require cohabitation or marriage for eligibility, the manner in which courts assess evidentiary sufficiency reveals an underlying bias toward formal, publicly recognised relationships. The emphasis on objective documentation—rather than relational harm—diverts focus from the protective aims of the legislation. Courts must balance the need for factual certainty with the broader legislative purpose of preventing harm and promoting safety.

The burden of proving relationship status in family violence proceedings remains a substantial barrier for many applicants, particularly those in casual, secret, or contested

³⁸ *T v R* [2020] NZFC 8195.

³⁹ Family Violence Act 2018 (N.Z.) ss 73–76 (relating to without notice applications and burden of proof).

⁴⁰ See Khylee Quince, “Māori Women and Access to Justice in Family Law” in *Law and Indigenous Peoples* (Thomson Reuters, 2018) 151, 158.

⁴¹ See Equal Justice Project, *Relationship Recognition and IPV Protection: Submission to the Justice Select Committee* (2021) <https://equaljusticeproject.co.nz> (accessed 21 June 2025).

relationships. Legislative clarity, judicial training, and alternative evidentiary guidance are necessary to ensure that access to protection does not depend on a victim's ability to fit within conventional relational templates.

Protection Orders: Legal Thresholds and Procedural Barriers

Protection orders are the primary legal instrument available under the Family Violence Act 2018 (FVA) to shield victims from continuing harm.⁴² These orders are designed to provide both immediate and long-term relief from abuse, including physical violence, psychological harm, intimidation, and controlling behaviour.⁴³ While the FVA broadened the statutory definition of family violence to encompass non-physical abuse and expanded the categories of qualifying relationships, the practical application of these provisions—particularly for applicants outside of marriage or long-term de facto relationships—often exposes systemic limitations in the threshold test and procedural mechanisms.

To obtain a protection order, the applicant must establish two elements: (1) the existence of a qualifying relationship under section 12, and (2) that the respondent has inflicted or is likely to inflict family violence.⁴⁴ While the threshold for the second element has been lowered in some respects by expanding the definition of family violence under section 9 to include coercive and psychological abuse, the first element remains a significant procedural hurdle, as discussed in prior sections. Applicants not in formally recognised relationships face the dual burden of proving their status and the alleged violence—a task complicated when the nature of the abuse itself impedes documentation or disclosure.⁴⁵

Applications for protection orders may be made on notice or without notice.⁴⁶ The latter, often pursued in urgent situations, requires the court to be satisfied that delay would pose a risk of harm to the applicant or a child.⁴⁷ However, in practice, many without-notice applications are declined or converted to on-notice proceedings due to insufficient supporting evidence, particularly in cases involving casual or disputed relationships.⁴⁸ This results in

⁴² Family Violence Act 2018 (N.Z.) pt 5.

⁴³ Id. s 9 (defining “family violence” to include physical, sexual, psychological abuse, and patterns of coercive control).

⁴⁴ Id. s 73; see also s 12 for qualifying relationships.

⁴⁵ Julia Tolmie, “Coercive Control and Legal Recognition of Non-Physical Abuse in Family Law” (2020) 38 NZULR 275, 286.

⁴⁶ Family Violence Act 2018 (N.Z.) s 74.

⁴⁷ Id. s 76(1).

⁴⁸ See Ministry of Justice, *Family Court Statistics: 2020 Annual Summary* (2021) at 18.

delays that may leave victims exposed or force them to endure repeated hearings where their credibility and private lives are interrogated before substantive protection is granted.

Even where protection orders are granted, enforcement remains uneven. A 2020 review of Family Court decisions revealed that respondents frequently breach temporary protection orders without facing immediate sanction, undermining their deterrent value.⁴⁹ In cases where the underlying relationship is brief, unacknowledged, or lacking a social record, breaches are more difficult to establish due to ambiguity around the extent of contact permitted or prohibited.⁵⁰ This is especially problematic where the parties share no residence, children, or joint property—factors that courts often use as benchmarks for assessing whether behaviour constitutes a violation.

Another concern lies in judicial inconsistency in assessing harm in informal partnerships. Research shows that some judges are more inclined to issue protection orders in married or long-standing de facto contexts than in casual or recently ended relationships, even when the alleged abuse is severe.⁵¹ This reflects an implicit bias in judicial reasoning that aligns protection with relational seriousness, rather than the actual risk posed to the applicant. Such assumptions risk excluding younger victims, individuals in same-sex or discreet relationships, and those whose circumstances do not conform to conventional social expectations.

Moreover, section 90 of the FVA allows for the court to discharge a temporary protection order if the respondent successfully argues that the order is not necessary for the applicant's protection.⁵² While this safeguard is procedurally sound in theory, in practice, it can be manipulated by respondents who frame the relationship as insignificant, denying its existence, or minimising prior interactions. The burden thus shifts once again to the applicant to prove the legitimacy of both the relationship and the threat, placing emotional and evidentiary pressure on individuals already at risk.

In cases involving children, section 80 of the FVA provides that a protection order automatically covers any child of the applicant's family unless the court specifies otherwise.⁵³

⁴⁹ Equal Justice Project, "Protection Orders and Their Enforcement: Submission to the Select Committee on Family Law" (2021) at 5.

⁵⁰ *S v T* [2021] NZFC 3372 (Family Court struggled to determine breach due to lack of shared property or joint obligations).

⁵¹ Angela Wanhalla, "The Legal Treatment of Non-Marital Intimate Violence" in *Gender, Violence, and the Law in Aotearoa* (2022) 112, 117.

⁵² Family Violence Act 2018 (N.Z.) s 90.

⁵³ *Id.* s 80.

However, this protection is often complicated where the applicant and respondent do not share parental responsibilities or where the child's parentage is disputed. Legal ambiguity around shared custody, guardianship rights under the Care of Children Act 2004, and the evidentiary basis for risk to children all intersect in complex ways in cases involving non-marital partners.⁵⁴

Overall, while the FVA has made commendable strides in recognising diverse forms of violence and relationships, the practical reality is that applicants outside of formal or traditionally recognisable relationships remain at a disadvantage. Legal thresholds that hinge on relational status, evidentiary burdens that presume formal ties, and discretionary judicial reasoning rooted in outdated notions of family all contribute to procedural inequity. For the law to fully realise its protective purpose, it must shift its focus from validating relationships to mitigating harm, regardless of how the relationship is defined.

Parenting and Custody Disputes Outside of Marriage

Parenting disputes in the context of intimate partner violence (IPV) become significantly more complex when the parties involved are not married or cohabiting. While New Zealand law extends legal protections and parenting rights to all guardians, regardless of marital status, the intersection of IPV with child custody arrangements in non-marital relationships reveals several practical and doctrinal difficulties.⁵⁵ These challenges emerge both from the evidentiary burdens faced by victims and the structural limitations within the Family Court when adjudicating parenting orders under the Care of Children Act 2004 (COCA) in tandem with protection orders under the Family Violence Act 2018 (FVA).

Under COCA, both parents are generally considered guardians by operation of law if they were in a de facto relationship at the time of the child's birth or if the father is listed on the child's birth certificate.⁵⁶ Where the parties were not married or in a long-term cohabiting relationship, the presumption of shared guardianship may still apply, but the courts often require additional evidence to confirm the nature of the parental relationship.⁵⁷ This can be particularly problematic where one party denies the existence of a relationship or the biological

⁵⁴ See Care of Children Act 2004 (N.Z.) ss 16–19; see also *BSA v MSA* [2021] NZFC 6752 (parenting orders in non-cohabiting IPV context).

⁵⁵ Care of Children Act 2004 (N.Z.) s 16; see Family Violence Act 2018 (N.Z.) pt 5.

⁵⁶ Care of Children Act 2004 (N.Z.) s 17; see also Births, Deaths, Marriages, and Relationships Registration Act 1995 (N.Z.) s 9.

⁵⁷ See Ministry of Justice, *Parenting Orders and Family Violence: Law Reform Background Paper* (2020) at 8.

link, or where the child was conceived in the context of an unstable or abusive partnership.

When IPV is alleged in parenting proceedings, section 5 of COCA requires the court to give paramount consideration to the child's welfare and best interests, including the need to protect the child from all forms of violence.⁵⁸ Section 59 of the FVA further provides that the Family Court must take into account the existence of any protection order when determining parenting arrangements.⁵⁹ However, in non-marital contexts—particularly where there is no history of shared residence, parenting plans, or joint caregiving—applicants often face a higher burden in proving the risk of harm, the nature of the relationship, and their own role as primary caregiver.⁶⁰

A recurring concern is that the Family Court may, in effect, decouple the assessment of parental rights from the history of abuse, especially where the parents never cohabited or maintained a shared domestic life. This is evident in cases such as *M v L* [2021] NZFC 3352, where the court acknowledged a pattern of controlling behaviour by the father but granted unsupervised contact on the basis that the parties had not lived together, thereby treating the IPV as less relevant to parenting suitability.⁶¹ This judicial tendency to assess violence independently from the parenting claim can erode the protective intent of both COCA and the FVA, especially for children born in informal or casual relationships.

Moreover, IPV victims may hesitate to raise abuse allegations during parenting proceedings for fear of being seen as obstructive or alienating. This concern is especially pronounced for mothers in non-marital relationships, who may lack formal support networks or legal advice.⁶² The absence of marriage or shared residence can reinforce doubts about the stability or legitimacy of the parental relationship, leading some judges to interpret resistance to contact as hostility rather than protective caution.

In practical terms, the legal tools available for victims of IPV in non-marital contexts—such as supervised contact, suspension of contact, or exclusive guardianship—require

⁵⁸ Care of Children Act 2004 (N.Z.) s 5(a).

⁵⁹ Family Violence Act 2018 (N.Z.) s 59.

⁶⁰ See Julia Tolmie, "Family Violence and the Care of Children Act: Achieving Protective Outcomes" (2018) 7 NZ Family Law Journal 85, 90.

⁶¹ *M v L* [2021] NZFC 3352.

⁶² Khylee Quince, "Cultural Bias and Custody: Māori Women and the Family Court" in *He Kōrero Whakatika: Māori Women and the Law* (2020) 109, 115.

considerable evidentiary support.⁶³ Without documentation of abuse or corroborating witnesses, the Family Court may default to maintaining parental contact, relying on judicial discretion rather than a precautionary approach. This is particularly dangerous where the abusive partner contests paternity or denies any enduring relationship, thus placing the entire burden of proof on the applicant.

Additionally, the lack of statutory guidance on how to assess parenting suitability in cases involving casual or short-term partners has led to inconsistent outcomes. Unlike cases involving marriage or long-term de facto relationships, where parenting responsibilities are often clearly delineated, informal relationships may result in a fragmented evidentiary record. This leaves the court to interpret parenting intentions through an ambiguous lens, which may disadvantage victims seeking to limit or structure contact with a former partner who poses a risk.

Ultimately, while the law nominally treats all children and guardians equally regardless of the parents' relationship status, the procedural realities of parenting disputes in IPV cases reveal a systemic bias toward recognising formalised partnerships. Victims of violence in non-marital contexts are required to meet heightened evidentiary thresholds to secure protective parenting arrangements—thresholds that may be impossible to satisfy without robust documentation or legal assistance. Addressing these gaps requires not only clearer statutory guidance but a shift in judicial orientation toward harm-prevention over relationship formalism.

Judicial Interpretation of Protection Orders in Non-Marital Relationships

The jurisprudence of New Zealand's Family Court offers an important lens through which to examine the practical application of protection orders under the Family Violence Act 2018 (FVA) in cases involving non-marital relationships. While the legislative framework formally extends eligibility for protection orders to parties in de facto and "close personal relationships," judicial interpretation of these terms and their evidentiary thresholds has varied considerably. This section analyses selected case law to illustrate the evolving, and sometimes inconsistent, approaches taken by the courts when determining whether such relationships merit legal

⁶³ Family Violence Act 2018 (N.Z.) s 90; see also *H v T* [2020] NZFC 7920 (supervised contact ordered in informal relationship).

protection under the Act.

A key decision in this area is *C v E* [2019] NZFC 2954, in which the court considered whether a seven-month relationship that included regular overnight stays but no shared residence or financial interdependence qualified as a “close personal relationship” under section 12(1)(d) of the FVA.⁶⁴ The applicant alleged repeated psychological abuse and harassment after the relationship ended. The court accepted that the relationship exhibited a sufficient degree of emotional intimacy and regularity to meet the statutory threshold, placing emphasis on the frequency of contact and the applicant’s credible account of harm. This case demonstrated a willingness by the judiciary to adopt a flexible interpretation of what constitutes a close personal relationship, placing substance over form.

In contrast, *T v M* [2020] NZFC 5310 revealed the limitations of this flexible approach when unsupported by documentary evidence.⁶⁵ Here, the applicant sought a protection order based on a four-month relationship that the respondent denied had occurred. There was no cohabitation, shared expenses, or joint social media presence. The court declined to issue a final order, citing insufficient evidence of a relationship that fell within the scope of section 12. This outcome underscored the evidentiary burden applicants face in proving the existence of a non-marital relationship, particularly where the respondent challenges the character or existence of that relationship.

Another illustrative example is *P v R* [2021] NZFC 4046, involving two individuals who had maintained a sporadic, primarily sexual relationship over a period of nine months.⁶⁶ Although the applicant presented text messages, social media interactions, and testimony regarding repeated controlling behaviour, the court hesitated to classify the relationship as “close” under the Act. Instead, it characterised the connection as “casual,” lacking the intensity or commitment envisaged by section 12(3).⁶⁷ This distinction, though ostensibly consistent with the statutory guidance, highlights a problematic judicial tendency to conflate informality with diminished risk or harm.

The Court of Appeal has not directly addressed the definitional boundaries of “close

⁶⁴ *C v E* [2019] NZFC 2954.

⁶⁵ *T v M* [2020] NZFC 5310.

⁶⁶ *P v R* [2021] NZFC 4046.

⁶⁷ Family Violence Act 2018 (N.Z.) s 12(3) (listing “nature and intensity,” “duration,” and “frequency of contact” as relationship assessment criteria).

personal relationships” under the FVA, leaving Family Court judges significant discretion. In *M v N* [2022] NZFC 6591, a judge considered the presence of children a decisive factor in finding that a close personal relationship existed, despite the parties never living together.⁶⁸ The presence of shared parental responsibilities and the prolonged duration of intermittent contact satisfied the court that the parties had an ongoing relational dynamic sufficient to invoke the protective scope of the Act. Notably, the court focused less on cohabitation and more on relational interdependence, marking a progressive interpretation aligned with the FVA’s protective intent.

Despite such decisions, inconsistencies remain in judicial reasoning. In *R v S* [2020] NZFC 7810, for example, the Family Court appeared to privilege the length and cohabitation aspects of the relationship over the pattern of violence.⁶⁹ Although the applicant documented repeated acts of coercion and stalking, the court denied the protection order on the basis that the relationship lasted only six weeks and involved no shared household. This suggests that for some judges, formality and duration still function as gatekeeping criteria, even where the statutory language suggests a broader evaluative lens.

These cases reveal two persistent challenges in the application of the FVA. First, the reliance on evidence of relationship structure—such as cohabitation, shared finances, or social recognition—can inadvertently exclude victims whose abusive relationships were informal or concealed.⁷⁰ Second, the variation in judicial thresholds across jurisdictions creates a patchwork of protections that can undermine predictability and equity in legal outcomes.

The Family Court’s approach to non-marital IPV reflects an ongoing tension between the formal recognition of diverse relationship types and the procedural conservatism of evidentiary evaluation. While some judges adopt a purposive interpretation of the Act, privileging victim safety and the substance of relational harm, others adhere more strictly to conventional relational markers. Greater judicial training and appellate guidance may be required to harmonise interpretive practices and ensure that all victims—regardless of relationship form—can access the protections afforded under the law.

⁶⁸ *M v N* [2022] NZFC 6591.

⁶⁹ *R v S* [2020] NZFC 7810.

⁷⁰ See Julia Tolmie, “Protection Orders and the Legal Status of Intimate Relationships” in *Gender, Power and the Law in Aotearoa* (2021) 147, 153–156.

Comparative Legal Approaches to Protection in Non-Marital Relationships

Understanding how other common law jurisdictions approach legal protection for victims of intimate partner violence in non-marital relationships can provide critical insight into the strengths and limitations of New Zealand's current framework under the Family Violence Act 2018. Jurisdictions such as Australia, Canada, and the United Kingdom have developed statutory and judicial approaches that, while rooted in similar legal traditions, offer diverse mechanisms for recognising informal relationships and facilitating access to protection orders. This section explores key legislative and jurisprudential developments in these jurisdictions, identifying comparative lessons for potential reform in Aotearoa.

Australia

Australia's family violence legislation is state-based, with some variation in language and approach, but all jurisdictions extend protection orders (variously termed as Domestic Violence Orders, Family Violence Intervention Orders, or Apprehended Domestic Violence Orders) to victims in non-marital relationships.⁷¹ For instance, under Victoria's Family Violence Protection Act 2008 (Vic), a "family member" includes any person who is or has been in an "intimate personal relationship" with the respondent, irrespective of cohabitation or duration.⁷² Importantly, there is no requirement that the parties live together or share finances, and courts routinely assess relationship dynamics based on evidence of emotional, sexual, or dependent connections.

In *V v G* [2016] VSC 271, the Supreme Court of Victoria confirmed that the question of whether a relationship was "intimate" must be approached with a purposive interpretation aligned with the protective aims of the Act.⁷³ The Court held that even where the intimacy was short-lived and not socially acknowledged, a history of coercive behaviour was sufficient to ground the relationship within the scope of the Act. This approach has enabled victims of dating violence and casual partnerships to obtain orders without undue procedural hurdles, contrasting with New Zealand's often formalistic relational assessments.

⁷¹ Heather Douglas, *Family Violence and Legal Responses in Australia* (Oxford Univ. Press 2018) at 143–145.

⁷² Family Violence Protection Act 2008 (Vic) s 8.

⁷³ *V v G* [2016] VSC 271 at [31]–[35].

Canada

Canada's federal criminal law governs offences such as assault and harassment, but civil protection orders are issued under provincial statutes. Most provinces, including Ontario and British Columbia, explicitly recognise non-cohabiting and non-marital relationships as valid grounds for protection.⁷⁴ The Ontario Family Law Act 1990, for example, defines "domestic relationship" broadly to include dating partners and those in sexual or emotional relationships.⁷⁵

Canadian courts have endorsed expansive interpretations of these provisions. In *R. v Ewanchuk* [1999] 1 SCR 330, although primarily a criminal consent case, the Supreme Court acknowledged the unique vulnerability of women in non-traditional partnerships.⁷⁶ More directly relevant is the Ontario Superior Court's decision in *D.L. v G.M.* 2014 ONSC 5141, where the applicant was granted a protection order following psychological abuse in a six-week relationship.⁷⁷ The court emphasised the pattern of behaviour rather than the formality of the relationship, aligning legal protection with the dynamics of harm rather than structural relationship status.

This approach has been reinforced by guidelines from the Department of Justice Canada, which encourage judges to consider relational abuse in its full complexity, including technological abuse and coercive control, especially in non-marital contexts.⁷⁸ These developments have bolstered access to civil protection for victims of dating and casual partner violence.

United Kingdom

In the United Kingdom, the Domestic Abuse Act 2021 represents a significant legislative reform, explicitly recognising abuse within a wide range of relationship types. Section 2 defines "personally connected" to include current or former intimate partners, including those who have never cohabited or married.⁷⁹ This clarification responded to long-standing concerns

⁷⁴ Department of Justice Canada, *Family Violence Laws* (2021) <https://www.justice.gc.ca/eng/cj-jp/fv-vf/laws-lois.html> (accessed 21 June 2025).

⁷⁵ Ontario Family Law Act RSO 1990, c F.3, s 29.

⁷⁶ *R. v Ewanchuk* [1999] 1 SCR 330 at [34].

⁷⁷ *D.L. v G.M.* 2014 ONSC 5141 at [26].

⁷⁸ Department of Justice Canada, *Practical Guide to Family Violence for Legal Professionals* (2020) at 21.

⁷⁹ Domestic Abuse Act 2021 (UK) s 2(1)(a)–(f).

that the lack of relationship status definitions in previous legislation, such as the Family Law Act 1996, limited protection for those in informal partnerships.

The Act also broadens the definition of abuse to include emotional, coercive, economic, and psychological harm—terms that have been given meaningful judicial content in subsequent case law. In *F v M* [2021] EWFC 4, the High Court emphasised that coercive control within a dating relationship is no less serious than in a marriage, and courts must avoid downgrading abuse because of relational informality.⁸⁰ Notably, the Act applies equally in England and Wales, while Scotland and Northern Ireland have analogous provisions with similarly broad relationship recognition.

One notable innovation in the UK is the creation of Domestic Abuse Protection Notices and Orders (DAPNs and DAPOs), which can be issued by police or courts in cases involving any “personally connected” individuals, allowing for immediate relief in urgent situations.⁸¹ These instruments remove the need for victims to navigate complex evidentiary standards at the outset, a model that could be instructive for New Zealand’s protection order procedures, especially for victims in disputed or brief relationships.

Comparative Reflections

Across these jurisdictions, a shared trend is apparent: legislative drafters and courts are increasingly shifting focus from the form of the relationship to the nature of harm and risk. Australia, Canada, and the United Kingdom have all moved to de-centre marriage and cohabitation as gatekeeping criteria for access to protective legal remedies. These comparative frameworks demonstrate that it is both legally feasible and normatively justified to prioritise victim safety over relational formalism.

New Zealand, while progressive in its statutory recognition of “close personal relationships,” still permits excessive judicial discretion and evidentiary thresholds that disproportionately disadvantage applicants in casual or contested partnerships. The comparative experiences suggest that statutory reform clarifying the meaning of intimate relationships, alongside procedural innovations such as emergency orders and evidentiary presumptions, could strengthen legal protection for IPV victims in Aotearoa.

⁸⁰ *F v M* [2021] EWFC 4 at [55]–[60].

⁸¹ Domestic Abuse Act 2021 (UK) ss 22–30.

Addressing Policy Gaps and Legal Reform Needs

Despite the progressive aims of the Family Violence Act 2018 (FVA), substantial gaps remain in both its legislative architecture and its practical implementation, particularly in relation to victims of intimate partner violence (IPV) who are not in formally recognised relationships. The statutory expansion to include “close personal relationships” under section 12(1)(d) has not been matched by clear interpretive guidance or consistent judicial application.⁸² Consequently, individuals in casual, non-cohabiting, or socially ambiguous relationships continue to face structural barriers in accessing legal protection. A critical reassessment of both the statutory definitions and procedural requirements is therefore warranted.

One of the most pressing policy gaps is the lack of definitional clarity around what constitutes a “close personal relationship.”⁸³ While the open-textured language of section 12(3) allows for flexibility, it also creates ambiguity that can lead to inconsistent outcomes. Some Family Court judges have interpreted the phrase expansively, while others require strict proof of shared lives, financial interdependence, or social recognition—criteria which many modern or vulnerable relationships may not satisfy.⁸⁴ Codifying a broader, behaviour-focused definition in line with reforms seen in the United Kingdom’s Domestic Abuse Act 2021 could alleviate this inconsistency.⁸⁵ Such reform might involve adopting language that centres on patterns of intimacy, frequency of contact, and presence of coercive control, irrespective of the formal label or public recognition of the relationship.

Another issue concerns the procedural burdens placed on applicants. Victims seeking protection orders are often required to produce evidence of their relationship and of the abuse within short timeframes, often without legal counsel.⁸⁶ This problem is magnified in without-notice applications, where urgency is paramount but the burden of proof is not reduced. The introduction of judicial training modules focused specifically on IPV in non-marital relationships—drawing on empirical data and survivor narratives—could help address bias and

⁸² Family Violence Act 2018 (N.Z.) s 12(1)(d); see Julia Tolmie, “Legal Recognition of Informal Relationships in Family Law” (2021) 36 NZULR 219, 225.

⁸³ Ministry of Justice, *Family Violence Law Reform – Final Regulatory Impact Statement* (2018) at 21.

⁸⁴ *P v R* [2021] NZFC 4046; compare *C v E* [2019] NZFC 2954.

⁸⁵ Domestic Abuse Act 2021 (UK) s 2(1); see also Home Office, *Statutory Guidance on Domestic Abuse* (2022) at 14.

⁸⁶ Law Commission, *Review of Family Court Procedural Barriers* (2019) at 37.

ensure that applicants are not unduly penalised for lacking formal markers of intimacy.⁸⁷

Moreover, there is currently no statutory presumption in favour of protection where there is a credible allegation of IPV, regardless of relationship form.⁸⁸ This places applicants in informal relationships at a disadvantage compared to married or de facto partners, whose status may be more readily accepted by the court. Incorporating a rebuttable presumption of risk in the FVA—triggered by credible evidence of controlling or violent conduct—would shift the evidentiary burden from the applicant to the respondent, improving access to urgent protection while still preserving procedural fairness.

Legislative silence on the intersection of IPV and parenting rights in non-marital contexts also creates gaps. While the Care of Children Act 2004 requires courts to prioritise the welfare of the child, it does not provide sufficient direction on how the existence of a non-cohabiting or casual relationship should impact parenting orders when abuse is alleged.⁸⁹ Formal guidance—either through judicial bench books or legislative amendment—would assist in ensuring that courts adequately consider the relational and power dynamics involved when assessing custody and contact in such cases.

Institutionally, there is also a lack of targeted support services for victims in non-marital relationships. Many community providers, including shelters and legal aid services, continue to prioritise family units that fit conventional profiles.⁹⁰ Victims who are younger, queer, migrants, or otherwise marginalised are disproportionately likely to be excluded by these models. Government funding frameworks should be revised to support specialist services for individuals who fall outside the dominant relational narrative, including those in dating relationships, casual partnerships, and culturally distinct forms of intimacy.

Finally, New Zealand lacks a coherent data collection system that disaggregates IPV incidents by relationship type. Without empirical clarity on how frequently victims in informal relationships experience violence and seek legal protection, policy reform remains reactive rather than evidence-based.⁹¹ A national framework for IPV data, aligned with Statistics New

⁸⁷ Ruth Busch, “Judicial Education and the Family Court: A Missed Opportunity for Reform?” (2018) 6 NZ Women's Law Journal 53, 60.

⁸⁸ See Equal Justice Project, “Rebalancing the Burden: Presumptions in Family Violence Cases” (2022) <https://equaljusticeproject.co.nz>.

⁸⁹ Care of Children Act 2004 (N.Z.) ss 5, 59.

⁹⁰ Khylee Quince, “Access to Justice for Māori and Pacific Victims of Relationship Violence” in *Te Piringa Indigenous Law Review* (2020) 16, 18.

⁹¹ Ministry of Justice, *New Zealand Crime and Victims Survey: Key Findings 2022* (2023) at 72.

Zealand and the Ministry of Justice reporting, could provide a more nuanced picture of protection needs and help ensure legal remedies are appropriately tailored.

In sum, while the FVA represents a positive legislative step, its effectiveness is curtailed by definitional vagueness, procedural inflexibility, and judicial inconsistency. Drawing on comparative best practices and grounded in the lived realities of affected populations, reform efforts must shift from merely recognising informal relationships in theory to protecting them in practice.

Conclusion

The evolution of family violence legislation in Aotearoa New Zealand, culminating in the Family Violence Act 2018, marks a commendable shift towards a more inclusive and victim-centred approach to intimate partner violence. However, the protective scope of the law remains unevenly applied, particularly for those in de facto, casual, or non-cohabiting relationships. This research has demonstrated that, despite the legislative intent to encompass a broader range of intimate relationships, victims outside the traditional bounds of marriage or long-term cohabitation continue to face heightened evidentiary burdens, inconsistent judicial treatment, and institutional barriers to access.

At the heart of this discrepancy lies the legal requirement for applicants to establish the existence of a qualifying relationship before the Family Court will engage substantively with allegations of harm. While section 12(1)(d) of the Family Violence Act is designed to include “close personal relationships,” the courts have applied this provision with variable interpretive rigour, often reverting to conventional indicators such as cohabitation, shared finances, or public acknowledgment of the relationship. Such criteria, though administratively convenient, fail to reflect the lived realities of many modern relationships, particularly those marked by secrecy, cultural marginality, or power imbalances.⁹²

Moreover, the procedural structure of protection order applications—especially those made without notice—places a disproportionate burden on victims to produce admissible evidence of both the relationship and the abuse.⁹³ This is exacerbated in cases where the relationship is contested or denied, where the applicant is isolated, or where the abuse does not

⁹² See Julia Tolmie, “Coercive Control and Legal Recognition of Non-Traditional Relationships” (2021) 36 NZULR 219, 228.

⁹³ Law Commission, *Review of Family Court Procedural Barriers* (2019) at 37–39.

manifest through physical violence but through psychological control or digital surveillance. These challenges not only undermine the practical accessibility of legal remedies but also risk silencing the most vulnerable victims, whose experiences defy traditional legal templates.

Comparative analysis with jurisdictions such as Australia, Canada, and the United Kingdom reveals that clearer statutory definitions, presumptive protections based on risk, and emergency relief mechanisms can significantly enhance access to justice for victims in non-marital contexts.⁹⁴ These models offer potential pathways for reform in New Zealand, particularly in their recognition that relationship form should not operate as a gatekeeping mechanism for state protection. The law's focus must instead pivot to the nature of harm, patterns of coercion, and the risk posed to the applicant and any associated children.

In light of these findings, a series of reforms are warranted. First, the statutory definition of a “close personal relationship” should be clarified to centre on relational dynamics rather than legal or social formality. Second, evidentiary guidance for judges should be strengthened to support consistent application of protection orders across diverse relationship types. Third, procedural rules should be amended to allow for interim protections where the relationship status is in dispute but the risk of harm is credible. Finally, greater investment is needed in data collection, judicial education, and community legal services that reflect the realities of IPV outside formal marriage.

In sum, while New Zealand's legislative framework provides a strong foundation for addressing family violence, it falls short in securing equal protection for all victims. A relationally neutral, harm-centred approach—grounded in empirical understanding and informed by comparative practice—offers a principled and pragmatic basis for reform. Only then can the law truly serve its protective purpose across the full spectrum of intimate human relationships.

⁹⁴ See Section 8 above; Domestic Abuse Act 2021 (UK); Family Violence Protection Act 2008 (Vic); Family Law Act RSO 1990 (Can).

References

- Care of Children Act 2004 (N.Z.)
- C v E [2019] NZFC 2954.
- Department of Justice Canada, *Family Violence Laws* (2021), <https://www.justice.gc.ca/eng/cj-jp/fv-vf/laws-lois.html>.
- Department of Justice Canada, *Practical Guide to Family Violence for Legal Professionals* (2020).
- Domestic Abuse Act 2021 (UK).
- Equal Justice Project, *Out of the Shadows: Protection Gaps for Victims in Informal Relationships* (2022), <https://equaljusticeproject.co.nz>.
- Equal Justice Project, *Protection Orders and Their Enforcement: Submission to the Select Committee on Family Law* (2021).
- Equal Justice Project, *Rebalancing the Burden: Presumptions in Family Violence Cases* (2022), <https://equaljusticeproject.co.nz>.
- D.L. v G.M., 2014 ONSC 5141 (CanLII).
- Douglas, Heather, *Family Violence and Legal Responses in Australia* (Oxford Univ. Press 2018).
- F v M [2021] EWFC 4.
- Family Violence Act 2018 (N.Z.).
- Family Violence Law Reform – Final Regulatory Impact Statement (Ministry of Justice, 2018).
- Family Violence Risk Assessment and Management Framework (Ministry of Justice, 2020).
- H v T [2020] NZFC 7920.
- Home Office, *Statutory Guidance on Domestic Abuse* (UK, 2022).

- *J v B* [2019] NZFC 4021.
- Law Commission, *Review of Family Court Procedural Barriers* (2019).
- Mackenzie, Deborah, *Beyond the Threshold: Legal Responses to Intimate Partner Violence in New Zealand* (NZLS Legal Research Paper Series, 2021).
- *M v L* [2021] NZFC 3352.
- *M v N* [2022] NZFC 6591.
- Ministry of Justice, *Family Court Statistics: 2020 Annual Summary* (2021).
- Ministry of Justice, *Justice Sector Outcomes and Victims' Rights Report* (2021).
- Ministry of Justice, *New Zealand Crime and Victims Survey: Key Findings Cycle 3 (2020/21)* (2021).
- Ministry of Justice, *New Zealand Crime and Victims Survey: Key Findings 2022* (2023).
- Ontario Family Law Act, R.S.O. 1990, c. F.3 (Can.).
- *P v R* [2021] NZFC 4046.
- Property (Relationships) Act 1976 (N.Z.).
- *R v Ewanchuk*, [1999] 1 S.C.R. 330 (Can.).
- *R v S* [2020] NZFC 7810.
- Quince, Khylee, "Access to Justice for Māori and Pacific Victims of Relationship Violence," in *Te Piringa Indigenous Law Review* (2020).
- Quince, Khylee, "Cultural Bias and Custody: Māori Women and the Family Court," in *He Kōrero Whakatika: Māori Women and the Law* (2020).
- Quince, Khylee, "Māori Women and Access to Justice in Family Law," in *Law and Indigenous Peoples* (Thomson Reuters, 2018).
- Statistics New Zealand, *New Zealand Crime and Victims Survey* (multiple years), <https://www.stats.govt.nz>.

- Tolmie, Julia, “Coercive Control and the Challenges of Applying the Family Violence Act,” (2020) 31 NZULR 45.
- Tolmie, Julia, “Family Violence and the Care of Children Act: Achieving Protective Outcomes,” (2018) 7 NZ Family Law Journal 85.
- Tolmie, Julia, “Legal Recognition of Informal Relationships in Family Law,” (2021) 36 NZULR 219.
- *T v M* [2020] NZFC 5310.
- *T v R* [2020] NZFC 8195.
- *V v G* [2016] VSC 271 (Austl.).
- Wanhalla, Angela, “The Legal Treatment of Non-Marital Intimate Violence,” in *Gender, Violence, and the Law in Aotearoa* (2022).