



19 February 2026

Tēnā koe

Official Information Act request

Thank you for your email of 3 December 2025 requesting information relating to the way the Ministry of Social Development (the Ministry) determines relationship status of clients.

I have considered your request under the Official Information Act 1982 (the Act). Please find my decision on each part of your request set out separately. Some sections are grouped together for clarity.

- *Any material in training documents relating to how MSD staff can ascertain whether someone is in a relationship in the nature of marriage.*

A person's relationship status can be relevant to the benefit or rate of benefit they have entitlement to. Clients are required to tell the Ministry when their personal circumstances change, and this change could impact on entitlement to the benefit they receive.

The relevant information on how the Ministry determines relationship status, including married, civil union, or de facto relationships is publicly available on the Work and Income website. The information can be found at the following links:

- www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/introduction.html
- www.workandincome.govt.nz/on-a-benefit/tell-us/are-you-in-a-relationship.html
- www.workandincome.govt.nz/on-a-benefit/tell-us/relationship-changes.html.

Clients are considered to be part of a couple when they are in a relationship with another adult, regardless of the sex or gender of either partner. This includes a couple who are married or in a civil union and they are not 'living apart', or a couple who are living in a de facto relationship.

Section 29A of the Interpretation Act 1999 defines the legal meaning of a de facto relationship. This information can be found at the following link: www.legislation.govt.nz/act/public/1999/0085/latest/DLM31861.html.

Once the Ministry determines that a person's relationship has reached the stage where it would be considered to be a de facto relationship, then they would be considered as in a relationship for benefit purposes.

The relevant information on new and formative relationships can be found on the Work and Income website at the following link: www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/changes-and-reviews-relationship-status-for-benefit/new-or-formative-relationships-01.html.

In addition, the definition of a de facto relationship used by the Ministry can be found on the Work and Income website at the following link: www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/de-facto-relationship-definition-01.html.

To be in a 'relationship in the nature of marriage' or 'relationship in the nature of civil union' there must be both a degree of companionship demonstrating an emotional commitment and financial interdependence.

There are a number of indicators, derived from case law, that the Ministry uses to help determine whether a relationship is 'in the nature of marriage or civil union'. You can find more information about the key indicators the Ministry uses to determine financial interdependence and emotional commitment here:

- www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/financial-interdependence-01.html
- www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/emotional-commitment-01.html.

More information on the assessment of clients living as a de facto couple can be found on the Work and Income website at the following link: www.workandincome.govt.nz/map/income-support/core-policy/relationship-status-for-benefit/clients-living-in-a-de-facto-relationship.html.

Where it is found that someone has been overpaid a benefit because they have entered into a relationship that affects their entitlement to a benefit, a debt would be established. This debt would be calculated by taking the difference between what was actually paid, and what should have been paid for the period that the incorrect amount of benefit was received.

Please find attached further documents used to support the processing of applications for main benefit assistance. These documents are from the Ministry's intranet and staff may refer to this guidance as well as the core policy information provided in the links above.

- **Appendix One** – Jobseeker Support client application process - Doogle
- **Appendix Two** – Sole Parent Support Verification of Relationship Status - Doogle
- **Appendix Three** – Partner Changes – Doogle

I am providing you with Jobseeker Support and Sole Parent Support as two of the most common assistance types where relationship status is considered. However, if you are interested in a particular financial assistance type, please let us know and we can log this as a new request for information. Alternatively, a significant volume of information around qualifications for financial assistance is publicly

available on the Work and Income Manuals and Procedures (MAP) website, here: <https://www.workandincome.govt.nz/map/index.html>.

Please find attached further documents used to support determining relationship status during a fraud investigation. Again, these documents are from the Ministry's intranet and staff refer to certain guidance on the Ministry's intranet as well as the core policy information provided above.

- **Appendix Four** – Determining a client's relationship status - Doogle
 - **Appendix Five** – Evidence of relationship status - Doogle
 - **Appendix Six** – Case Law – Ruka v Department of Social Welfare (1997) - Doogle
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- *What questions, if any, MSD staff are permitted and not permitted to ask in order to ascertain whether someone is in a relationship in the nature of marriage during a fraud investigation, including specifically at each of the 'early intervention', 'facilitation', or 'investigation' tiers of investigation.*
 - *What information or documents MSD staff are permitted to obtain from people as part of a fraud investigation relating to someone's relationship status, including specifically at each of the 'early intervention', 'facilitation', or 'investigation' tiers of investigation.*

The Ministry's overall approach is to intervene early when concerns are raised, to make it easy for clients to do the right thing and avoid unnecessary overpayments and debt while still responding appropriately to serious fraud.

The three-tier approach helps the Ministry better manage fraud activity. All allegations of potential fraud or abuse of benefit payments are responded to in a manner proportionate to the nature of the information received and the potential seriousness of offending. This approach was endorsed by the Welfare Expert Advisory Group report.

Early intervention and facilitation are non-investigative approaches that can work well in response to allegations about relationship fraud, particularly where a relationship may be developing or relatively new. This recognises that relationships can be complex, and entitlements may not be clear cut. A facilitation intervention approach will let the client know about the information received but focus on understanding their situation and how that relates to their entitlements. This can mean an overpayment for a client in some situations.

For early intervention responses managed by the Client Service Integrity business unit, staff are provided conversation guidelines as part of a supporting 'Desk file' document which include references to or examples where the engagement may include determining a relationship for Ministry purposes.

Please find attached **Appendix Seven** containing an excerpt from the Desk file – Early Intervention Refresher. I am providing you with an excerpt per section 16(1)(e) of the Act as a significant volume of information within this document is out of scope of your request.

For facilitation intervention responses managed by the Client Service Integrity business unit, guidance related to client engagements is not specific to determining a relationship for Ministry purposes. Interviews provide an opportunity to

understand the client's circumstances, check full and correct entitlement, and make referrals to supports and services where appropriate. While not specific to determining relationships, facilitation interviews include:

- Having an open conversation about the information received
- Asking the client open questions to invite them to tell their story in their own words
- Building rapport, and using constructive interview techniques such as reflective listening, summarising, and affirmations.

For investigations, however, Ministry staff have powers under legislation administered by the Ministry to obtain information to help assess entitlement to payments. This legislation is varied, but the legislation relevant to your request is the Social Security Act 2018, the Public and Community Housing Management Act 1992, and the Education and Training Act 2020. This legislation can be found online at the following links:

- Schedule 6 of the Social Security Act 2018:
www.legislation.govt.nz/act/public/2018/0032/latest/DLM6784897.html
- Section 125 Public and Community Housing Management Act 1992:
www.legislation.govt.nz/act/public/1992/0076/latest/whole.html#DLM6091013
- The Education and Training Act 2020:
www.legislation.govt.nz/act/public/2020/0038/latest/LMS170676.html.

The Ministry can obtain relevant information from a wide range of sources to help assess benefit entitlement. In most cases Ministry staff are required to seek this information from the client in the first instance, and there are constraints on these powers. Codes of Conduct governing the Ministry's legislated information powers, and an associated Ethics Framework for Investigators, is available on our website at the following link: www.msd.govt.nz/about-msd-and-our-work/about-msd/legislation/index.html.

Training for Ministry Investigators also includes a focus on recognising and addressing unconscious bias, and training on the Privacy Act 2020 available on the Office of the Privacy Commissioner's website.

The methods used to investigate benefit entitlement, including possible benefit fraud or abuse, must always be lawful and ethical. For example, the Ministry does not consider it appropriate to conduct interviews with children under 16 years of age, or to use profane, coarse, abusive or intimidating language and behaviour when interviewing. The objective of interviews is to elicit accurate and reliable information in order to understand first-hand the client's perspective.

- *The number of benefit entitlements that have been reduced, suspended, or ended as a result of someone's relationship status changing, broken down by age, benefit status, gender, region.*

I am unable to provide you with this information as it is held in notes on individual case files. In order to provide you with this information, Ministry staff would have to manually review a substantial number of files. As such, I refuse your request under section 18(f) of the Act. The greater public interest is in the effective and efficient administration of the public service.

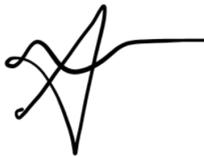
I have considered whether the Ministry would be able to respond to your request given extra time, or the ability to charge for the information requested. I have concluded that, in either case, the Ministry's ability to undertake its work would still be prejudiced.

I will be publishing this decision letter, with your personal details deleted, on the Ministry's website in due course.

If you wish to discuss this response with us, please feel free to contact OIA_Requests@msd.govt.nz.

If you are not satisfied with my decision on your request, you have the right to seek an investigation and review by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or 0800 802 602.

Ngā mihi nui

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Anna Graham
General Manager
Ministerial and Executive Services

Jobseeker Support client application process

This page outlines the application process for clients applying for Jobseeker Support.

On this Page:

Overview

Jobseeker Support (JS) is a temporary full-time work focused benefit. Clients must be:

available for and seeking full-time employment, or

preparing for full-time employment, including being available for and seeking part-time work as soon as their health condition or disability allows them.

Eligibility

To receive JS clients must be:

aged 18 years or over (or 19 years or over with a dependent child) *and* prepared to meet their obligations and complete the activities Work and Income requires.

To be eligible for JS, generally a client must not be in full-time employment. There is an exception to this rule. A client is able to work full-time for a temporary period and receive JS provided their income when assessed over 52 weeks doesn't fully abate the benefit, and they are a:

sole parent (including a person with a dependent child whose partner is in prison)

grandparented client (i.e. received DPB-WA or Widows Benefit without children pre-15 July 2013)

client paid the sole parent rate under section 74A – partner is unlawfully or temporarily resident or present in New Zealand.

Note: a temporary period for the purposes of allowing a client to work full-time on JS is 26 weeks.

[Jobseeker Support - Qualifications \[http://doogle/map/income-support/main-benefits/jobseeker-support/qualifications.html\]](http://doogle/map/income-support/main-benefits/jobseeker-support/qualifications.html)

[Jobseeker Support – Ability to work full-time for a temporary period \[http://doogle/map/income-support/main-benefits/jobseeker-support/temporary-employment-period-01.html\]](http://doogle/map/income-support/main-benefits/jobseeker-support/temporary-employment-period-01.html)

Application Form

Clients should be encouraged to apply online through MyMSD.

If the client is unable to complete the application online, they will need to complete a paper Jobseeker Support application form.

If the client is applying for JS on the grounds of a health condition, injury or disability, they will need to provide a medical certificate. For more information on medical certificates and determining eligibility and obligations, refer to:

[Medical certificates \[http://doogle/resources/helping-clients/procedures-manuals/work-and-income/health-disability/medical-certificate/medical-certificate.html\]](http://doogle/resources/helping-clients/procedures-manuals/work-and-income/health-disability/medical-certificate/medical-certificate.html)

[Determining eligibility and obligations \[http://doogle/resources/helping-clients/procedures-manuals/work-and-income/health-disability/decision-making-guidelines/determining-eligibility-and-obligations.html\]](http://doogle/resources/helping-clients/procedures-manuals/work-and-income/health-disability/decision-making-guidelines/determining-eligibility-and-obligations.html)

Pre-benefit activities

Clients and their partners may be required to undertake pre-benefit activities. Pre-benefit activities need to be assigned when a client makes contact to book an appointment for their JS application.

If pre-benefit activities are assigned, generally the client must complete them before JS is granted.

Where it is determined that pre-benefit activities are not appropriate for a person e.g. client is unable to work due to a health condition, illness or disability, or they are recently separated or bereaved from their partner or spouse, the client will be booked directly into a New Business appointment.

[Pre-benefit requirements \[http://doogle/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/jobseeker-support/js-application/pre-benefit-activities.html\]](http://doogle/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/jobseeker-support/js-application/pre-benefit-activities.html)

Booking an appointment

Clients will be booked in to attend an appointment to complete their benefit application. The type of appointment booked will depend on the clients potential work obligations:

Recording and collecting the application (includes relationship status)

At the appointment to complete the client's application, you will need to go through the process of collecting information from the client, scanning and saving the required evidence, and linking this to a client event note.

[Applications processing standards \[http://doogee/resources/helping-clients/processing-standards/applications-01.html\]](http://doogee/resources/helping-clients/processing-standards/applications-01.html)

Relationship status for benefit purposes

You will also need to check the client understands the definition of a relationship for benefit purposes. This forms part of standard business practice for all JS applications, in line with explaining a client's obligations and the conditions for receiving a benefit. As part of recording the information, you will need to:

check the client has read and understood the definition

ask the client if they have any questions, provide an appropriate response (if required) and record notes that reflect this

record this check in the client event note, for example 'Client has read and understands the definition of a relationship for benefit purposes and had no questions'.

Refer to Child Support application process

[Child Support \[http://doogee/map/income-support/core-policy/child-support/introduction.html\]](http://doogee/map/income-support/core-policy/child-support/introduction.html)

Employment and Engagement

Before JS is granted, all clients must have a Jobseeker profile.

Note: if the client is not available for full-time work due to a health condition/injury or disability, an exemption, or is in full-time study under the grandparenting study provision, their Jobseeker profile should be deactivated and their obligations changed until they become available for full-time work. Once the client is available for full-time work, their Jobseeker profile should be re-activated.

Processing paper applications in SWIFTT

When registering JS in the SREG screen, you will need to select 'JS' from the drop down box in the 'benefit/pension code' field.

SWIFTT will automatically set the grounds for eligibility in the SPBTI screen to 'Full-time job seeker', and the client's obligations will set to full-time work obligations (in SWTDA).

Where the client is applying for JS on the grounds of a health condition/injury or disability, you must enter the appropriate 'reason for event' in the SDT1A screen before the medical details are added into the SINCA screen.

When the medical details are entered into the SINCA screen, SWIFTT will re-set the eligibility reason as 'Health condition/injury/disability', and the client's obligations will set to work preparation or part-time work obligations (in SWTDA).

Granting JS on the grounds of hardship

When a client meets the qualifications for JS but doesn't meet the residency qualification (but does meet the other qualifications, e.g. the job search and age criteria), their application can be considered for JS on the grounds of hardship.

On registration of JS, the system will check the New Zealand residency details in CMS, and where the client has less than two years New Zealand residence, the entitlement code (in SDT1A) will be set to '11 – Hardship'.

It is mandatory to record cash assets (including a zero value) on the INCMA screen before granting.

There are validations in the form of warning and error messages when registering and recommending granting JS on grounds of hardship – these are outlined in the table below:

Action taken	Error/warning	Correct action
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	message	
SDT1A – if the entitlement code is entered as ‘1 – Statutory’ but the client has less than two years New Zealand residency	Entitlement code is not valid	Change entitlement code
SDT1A – if you try to override the entitlement code to ‘11 – Hardship’ but the client’s New Zealand residency is two years or more	NZ residency is more than 2 years	Change entitlement code
SGRT - if the client’s residency records in CMS have been updated since registration e.g. client had less than two years New Zealand residency entered, and their entitlement code was automatically set to ‘11 – Hardship’, but subsequently you updated their residency details to more than two years without changing the ‘entitlement code’ in SDT1A to ‘1 – Statutory’	Cannot grant JS	Change entitlement code in SDT1A to ‘1 – Statutory’
SGRT – if the client had more than two years New Zealand residency, and their entitlement code was set to ‘1 – Statutory’, and their residency details were then updated to less than two years residency, without changing the ‘entitlement code’ in SDT1A	Less than 2 years 2 years residency held	Change entitlement code in SDT1A to ‘11 – Hardship’
SGRT - where no cash assets are recorded, record the cash assets (including a zero value) before the recommendation can be made:	No cash assets held for this client	Record the cash assets (including a zero value) before the recommendation can be made
SGRT - if the client’s cash assets recorded are above the allowed threshold	Check cash assets for this client	Check client has exceptional circumstances

Note: Some clients in this situation may qualify for Jobseeker Support under the reciprocal agreement with the United Kingdom. When Jobseeker Support is granted using residence in the United Kingdom you will need to add the reciprocal indicator by using the SDT1A screen in SWIFTT and entering 02 in the entitlement code field.

JS clients in training

JS clients in training:

stay on JS – there is no change of SWIFTT service code

are still required to meet their work obligations, however they should not be pro-actively engaged with by referral to attend seminars or interviews unless appropriate

are matched to and need to be available for suitable vacancies i.e. their Jobseeker profile must remain active.

When a client applying for JS is in training they will need to be advised that while they are in training, their work obligations remain active, they will be matched to and referred to suitable employment opportunities, and refusal may result in obligation failures.

All training details must be entered into CMS to identify a client is participating in a training programme (for streaming and reporting purposes). There is no ability to identify these clients through SWIFTT.

You will also need to update the client’s Engagement Log by changing the sub-heading to ‘contracted service provider’.

Note: a client plan will be automatically created when a client has been successfully referred to a training opportunity.

Matching and referral for suitable employment vacancies for JS clients in training

If a JS client in training wishes to be referred to an employment vacancy, they should always be given the opportunity to take the option of work, irrespective of whether they are participating in a training programme.

If the client is matched and shortlisted to a potentially suitable vacancy, you must consider the following:

what type of employment has the client been matched to? Is it temporary or casual and will the client remain on or return to benefit?

will the client acquire certification and/or accreditation on completion of the training programme?

has there been investment into a pre-determined employment outcome through the training opportunity?

is this employment the best outcome for the client?

After considering all of the above, you must make a decision whether or not to refer the client to the opportunity.

Process for 'In full-time employment'

Where it is identified a client applying for JS is working, you need to:

1. Determine if the employment is full-time or part-time (if part-time, confirm they are eligible for JS and charge the part-time earnings appropriately).
2. Where the employment is full-time, determine if the client is a sole parent or grandparented client (if the client is not a sole parent or a grandparented client, decline, suspend or cancel accordingly)
3. Where the client is a sole parent or a grandparented client, assess their income to determine if this will fully abate the benefit rate (if the income full abates the benefit, decline, suspend or cancel the benefit from the appropriate date)
4. Where an abated benefit is payable, identify whether the client's employment will cease within 26 weeks, if the employment: will cease within 26 weeks, place a review at the point the employment ceases
is likely to continue more than 26 weeks, place a review point in 26 weeks from when they started full-time employment

The client must be advised that they:

can work full-time and continue to receive JS, providing their income doesn't fully abate their benefit rate

will have up to 26 weeks to either increase their hours/earnings or consider other suitable employment

are not considered to be fully meeting their work obligations and may still be referred to other offers of suitable employment (including training)

[In full-time employment flowchart](http://doogole/documents/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/jobseeker-support/in-full-time-employment-flowchart.docx) (Word 242.58KB) [<http://doogole/documents/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/jobseeker-support/in-full-time-employment-flowchart.docx>]

Declining Jobseeker Support

For reporting purposes, when declining JS in the SDECL screen, you will need to select an 'Eligibility Reason' from the drop down box in this field:

Full-time job seeker or
Health condition/injury/disability

Note: if the 'eligibility reason' is held based on the details entered when the record is registered, the field will prefill with the relevant eligibility reason.

Calculating the stand down period if a client is receiving CS

Clients need to declare any CS payments they receive during the income assessment period as income. This includes any CS they may have received, regardless of if the payment was made by Inland Revenue or the other parent. All CS payments are considered income when calculating the client's stand down period.

Charging child support when benefit is granted

Child support paid to the client by Inland Revenue should not be charged as income after granting a benefit. It is only used to calculate a clients stand down period.

CS paid by Inland Revenue is not considered chargeable income until received through the info share. It will be charged automatically when the next info share is received following the date of commencement or grant, whichever is later

CS that is not included in the info share must be charged against the client's assistance from grant as per BAU.

Sole Parent Support – Verification of Relationship Status

This page describes the relationship status verification process for Sole Parent Support (SPS) applicants.

On this Page:

Overview

The qualification for SPS is based on relationship status. Applicants for SPS, excluding applicants who are applying because their partner is in prison or has died, will be asked to provide the name and contact details of a person who is willing to confirm the applicant's current relationship status in writing to the best of their knowledge.

[Verification of Relationship Status \[http://doogle/map/income-support/main-benefits/sole-parent-support/verification-of-relationship-status-01.html\]](http://doogle/map/income-support/main-benefits/sole-parent-support/verification-of-relationship-status-01.html)

Sole Parent Support (SPS) - Relationship Status

Relationship status information will assist to establish an applicant's eligibility for SPS.

Application appointment

At the application appointment you will need to check the application form or the case manager summary, for an online application, to identify if the client has provided a name of a person to verify their relationship status.

Applicant has not nominated a person

In all cases you must have a conversation with the client to discover their reasons for not nominating a person. You must consider their individual circumstances to decide if they have good reason for not providing a name. You cannot decline an application because the client didn't nominate a person to verify their relationship status.

Applicant has not nominated a person – good reason exists

There are several situations where an applicant may have a good reason for not nominating a person or it is not appropriate for them to nominate a person.

You will need to discuss this with the applicant and determine whether a good reason exists.

[Not reasonable for a client to provide details of a nominated person \[http://doogle/map/income-support/main-benefits/sole-parent-support/not-reasonable-for-a-client-to-provide-details-of-01.html\]](http://doogle/map/income-support/main-benefits/sole-parent-support/not-reasonable-for-a-client-to-provide-details-of-01.html)

You will need to make sure that:

the Client Event Note reflects if you are satisfied that it is not reasonable for the applicant to nominate a person or provide their details and you have no doubts about the applicant's relationship status.

Applicant has not nominated a person – no good reason

If there is no satisfactory reason why the applicant won't provide the details, you must:

explain that you are asking them to nominate a person and provide their details, because the main qualification for SPS is based on relationship status.

If the applicant continues to refuse you need to:

decide if other questions and information/evidence are required to satisfactorily establish entitlement to SPS.

ensure the questions asked are appropriate to the applicant's situation and must focus on the emotional commitment and financial interdependency to another person.

should refer to the definition of a relationship to help with this discussion and to ensure the client understands what we are trying to achieve.

Note: It is important to remember that the applicant may be applying for reasons other than separation, the questions must be relevant.

Further questions you can ask to determine the applicant's relationship status may be asking for other information/evidence such

as:

Who is listed on the applicant's tenancy agreement, will there be any changes if a joint tenancy?

Does the applicant have any joint commitments, e.g. hire purchase, bank loan, joint ownership of assets?

Does the applicant share their home with anyone else, if so what are the arrangements?

Are the utility bills in joint names, if so will this change?

Has the applicant sought legal advice about the separation?

The answers must be recorded immediately in the application Client Event Note.

In all cases you must:

record the assessment in CMS

indicate that the applicant has not nominated a person and

indicate that a form was not issued even if the applicant meets the assessment criteria for providing verification

complete the SPS application Client Event Note explaining the reason why.

[Relationship status for benefit \[http://doogole/map/income-support/core-policy/relationship-status-for-benefit/introduction.html\]](http://doogole/map/income-support/core-policy/relationship-status-for-benefit/introduction.html)

Assessment for Verification Requirements

At the application appointment you:

will complete an assessment to determine if the applicant is in the group and

will look for information in the application form and the applicant's existing SWIFTT and CMS records as applicable.

You must record the assessment in the SPS Client Event note. You will need to document:

if the applicant nominated a person

how many of the targeting criteria have been met

if a Relationship Status Verification form has been issued.

Record any relevant notes in the application Client Event Note.

You must not ask for verification if a person has been nominated and the assessment criteria are met if the applicant has revealed information that could put them at risk such as family violence.

Verification required

If the applicant has nominated a person to verify their relationship status and meets one or more of the assessment criteria they must be given the Relationship Status Verification form for their nominated person to complete unless the client's circumstances mean it is unreasonable for the applicant to provide verification.

Ask the applicant to complete their section of the form, advise them to have their nominated person complete the form and tell the applicant to hand the form in at the service centre.

Advise the applicant that:

the form needs to be returned within 20 working days from the date of first contact, in line with any other information required to complete an application

the application will lapse if the form and any other outstanding information/evidence needed to complete the application is not returned within 20 working days

they must contact Work and Income if they are having any difficulty in getting the form completed within the timeframe.

You should consider extending the lapse date if appropriate.

When applicants ask why they are being asked to do this, you need to tell them that the benefit they are applying for is based on relationship status and depending on which assessment criteria are met:

your recent history identifies changes relevant to relationship status; or

your benefit history shows fraudulent benefit overpayments or convictions; or

have a different residential and postal address which is a risk indicator.

Assessment result – Verification not required

You will follow business as usual practice by using all the information that has been provided to make your decision around

eligibility to SPS and grant the benefit if appropriate.

[Relationship status verification process flowchart \(Word 79.94KB\)](http://doogie/documents/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/sole-parent-support/relationship-status-verification-process-flowchart.docx) [<http://doogie/documents/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/sole-parent-support/relationship-status-verification-process-flowchart.docx>]

Relationship Status Verification form is returned

The applicant returns the Relationship Status Verification form, no appointment is required. The form must be:

scanned to the applicant's record

saved under Relationship Status

linked to the SPS application Client Event Note

You need to read the description of the applicant's relationship status and use this as a piece of information in the overall assessment of the applicant's eligibility to SPS. You must use all the information provided by the applicant before making the decision to grant or decline the benefit application.

If the application for SPS is being declined because the applicant is in a relationship, you should advise the applicant that they may qualify for other financial assistance and you should explore these options.

You will follow business as usual practice by using all the information that has been provided to make your decision around eligibility to SPS and grant the benefit if appropriate.

[Relationship Status Verification Form](http://www.workandincome.govt.nz/documents/forms/relationship-status-verification-form.pdf) [<http://www.workandincome.govt.nz/documents/forms/relationship-status-verification-form.pdf>]

Nominated person refuses to complete the form

If the applicant returns and explains that their nominated person will not complete the form, you must ask the applicant if they know why, you must also decide if you need to ask further questions to determine eligibility and record details in Client Event Note.

Nominated person makes contact

After receiving the form a nominated person may contact Work and Income about the relationship definition or make general enquiries about benefit eligibility. If the nominated person wants information about benefit eligibility or the relationship definition they should be directed to access the information via the Work and Income website or through the Contact Centre on the General Enquiries number. Do not discuss the client's application with the nominated person.

Nominated person does not want to complete the form

The nominated person might contact us and say that they don't want to complete the form.

The nominated person should be advised that they are not required to complete the form and they should advise the applicant. If the nominated person is not willing to tell the applicant they should be asked to hand the form back to Work and Income so we can inform the applicant.

There may be situations where the nominated person reveals they are being bullied or intimidated by the applicant to provide information. In these situations the nominated person can speak to the assistant service centre or service centre manager.

If the nominated person has concerns about being pressured to providing false information or has been asked to completed the form falsely they should be advised to call the Fraud Allegation line to discuss their concerns.

Important note: This information must not be recorded on the applicant's record.

Irregularities in Relationship Status Verification form

Any irregularities in the form must always be discussed with the applicant in the first instance.

Form is incomplete

You need to:

discuss this with the applicant

ask the applicant to return the form to the verifier for completion if appropriate

if this is not possible, establish why and accept the form as it stands

the reason must be recorded for you to use for assessing eligibility.

Form completed by a person who was not nominated

The Relationship Status Verification form may have been completed by someone other than the person nominated by the applicant. There may be a good reason, such as the nominated person is incapacitated or is on holiday and cannot be contacted. There could also be occasions where the form has been completed by a person who does not meet the criteria such as an immediate family member.

You will :

ask the applicant why this has occurred and
record the reasons in the SPS application Client Event Note.

Note: The applicant must not be given another form for completion.

Form has been altered

If the form has been altered the case manager should discuss this with the applicant and establish who made the alterations and why. In all situations if you need more information to make a decision about the application you should ask appropriate questions.

Relationship status unclear

If after the nominated person has completed the form the relationship status is unclear and it appears the applicant may be in a relationship based on the definition, you will:

discuss this with the applicant to clarify the situation

consider asking more questions to obtain the information you need to make a decision about the application.

Contacting the applicant's nominated person

There could be occasions where you need to contact the nominated person, where they have given permission on the form for this happen. This should only happen when:

the form has been altered – no satisfactory explanation from the applicant

you need to confirm who completed the form and you are not satisfied with the information provided by the applicant.

If you are not satisfied that you can make an informed decision without contacting the nominated person, you should first seek advice according to the business as usual process in your service centre. If you have contacted the nominated person about the information they have provided on the form, you must record this in the application Client Event Note describing the outcome of the conversation about the information on the form.

A process flowchart for relationship verification will be available shortly.

Nominated person's right to correct the information

Under the Privacy Act 1993 nominated people who complete the Relationship Status Verification form have a right to correct what they have written in the form. A nominated person can request this verbally, no written request is required. If a nominated person asks to correct the information they have provided you must:

ask the nominated person for the client's name and date of birth

access the form and print a copy

tell the nominated person to initial each correction they make

delete the original form

scan the new form to the client's record

reference the change in the original application Client Event Note.

Partner changes

Evidence of the start of a client and partner relationship ensures we pay their full and correct entitlement from the correct date into the correct bank account.

On this Page:

Partner inclusions

An 'Including a partner' form [<https://www.workandincome.govt.nz/products/forms/index.html#i>] must be completed when a client requests to include their partner in their financial assistance. This form includes a section for the primary client to consent to the partner inclusion.

Non-resident partners

If the client has a partner who is unlawfully in New Zealand (or here on a temporary entry class visa), is not a refugee and is not applying for a residence class visa, you will need to contact the Card Centre when granting the primary client's benefit to ensure that a Community Services Card is not issued to the non-resident partner.

Specific engagements (26-week reapplications for Jobseeker Support) for partner changes

Including or excluding partners is automated specific eligibility engagements when clients are getting Jobseeker Support.

If you're including or excluding a partner within 13 weeks before the expiry date of JS, clients will have a simplified reapplication. If you're meeting with a client about a partner inclusion/exclusion, consider whether you can also have an employment conversation.

For more information see: [Specific Engagements \[https://doogie.ssi.govt.nz/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/jobseeker-support/26-week-reapplications/specific-engagements.html\]](https://doogie.ssi.govt.nz/resources/helping-clients/procedures-manuals/work-and-income/main-benefits/jobseeker-support/26-week-reapplications/specific-engagements.html)

Acceptable partner inclusion evidence

The following evidence must also be provided by the partner if it is not already held in the system:

[identification \[http://doogie/resources/helping-clients/processing-standards/identification-client-01.html\]](http://doogie/resources/helping-clients/processing-standards/identification-client-01.html)

[income and assets \[http://doogie/resources/helping-clients/processing-standards/income-and-asset-details-01.html\]](http://doogie/resources/helping-clients/processing-standards/income-and-asset-details-01.html). (if any)

[bank account number \[http://doogie/resources/helping-clients/processing-standards/bank-accounts-01.html\]](http://doogie/resources/helping-clients/processing-standards/bank-accounts-01.html)

signed partner obligations.

A copy of the partner's obligations must be given to the partner. You must ensure they understand their obligations and take additional time to explain them if necessary. If the partner is not present at the interview but has signed the partner inclusion form, you can accept that they have understood their obligations.

An interview is not required when a partner is included in social housing assistance or you are removing them from the social housing service.

For more information see: [Partner inclusion in SWIFTT \[http://doogie/resources/helping-clients/helplines-tips/work-and-income/swift/miscellaneous/processing-a-partner-inclusion-in-swift.html\]](http://doogie/resources/helping-clients/helplines-tips/work-and-income/swift/miscellaneous/processing-a-partner-inclusion-in-swift.html).

Ways we can accept evidence

Post/Fax

Online

MyMSD document upload

Email – you must copy the full email, including the sender, receiver, date and time details, onto the clients file.

Face to face

Provide evidence at local office

Determining a client's relationship status

This page sets out information and guidelines for determining clients' relationship status for benefit purposes. This is a difficult and sensitive area and these instructions are a guide to clarify the approach.

On this Page:

Definition of Relationship

Knowing a client's relationship status is important to ensure they are receiving the correct benefit at the correct rate.

[Definition of Relationship Core Policy \[http://doogie/map/income-support/core-policy/relationship-status-for-benefit/introduction.html\]](http://doogie/map/income-support/core-policy/relationship-status-for-benefit/introduction.html)

Legislation

The general provisions for determining whether people are to be treated as a couple (married, civil union or de facto) or single for benefit purposes are set out in [section 8 \[http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783126.html\]](http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783126.html) of the Social Security Act 2018 and [section 14 \[https://www.legislation.govt.nz/act/public/2019/0058/latest/DLM7298260.html\]](https://www.legislation.govt.nz/act/public/2019/0058/latest/DLM7298260.html) of the Legislation Act 2019.

The purpose of [section 8 \[http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783126.html\]](http://www.legislation.govt.nz/act/public/2018/0032/latest/DLM6783126.html) is to ensure that, for benefit purposes people who are legally married or in a civil union but who in fact live apart are treated the same as those who are single.

Section 14 of the Legislation Act 2019

The purpose of [section 14 of the Legislation Act 2019 \[https://www.legislation.govt.nz/act/public/2019/0058/latest/DLM7298260.html\]](https://www.legislation.govt.nz/act/public/2019/0058/latest/DLM7298260.html) is to allow us to define a de facto relationship. Under this section, a de facto relationship is "a relationship between two people (same or opposite sex) who are not legally married or in a civil union but who live together in a relationship in the nature of marriage or the nature of civil union".

Once it is decided that a couple is in a de facto relationship they can be treated in the same way as those who are married or in a civil union for benefit purposes.

Historical cases: Domestic Purposes Benefit

In relation to Domestic Purposes Benefit, the provisions of section 27B of the Social Security Act 1964 are also relevant, and in particular sections, [27B\(1\)\(a\) and 27B\(2\)\(c\). \[http://www.legislation.govt.nz/act/public/1964/0136/217.0/DLM361221.html\]](http://www.legislation.govt.nz/act/public/1964/0136/217.0/DLM361221.html)

The Act gives no definition of the terms "living apart" in sections [63\(a\) \[http://www.legislation.govt.nz/act/public/1964/0136/217.0/DLM363101.html\]](http://www.legislation.govt.nz/act/public/1964/0136/217.0/DLM363101.html) and [27B\(1\)\(a\), \[http://www.legislation.govt.nz/act/public/1964/0136/217.0/DLM361221.html\]](http://www.legislation.govt.nz/act/public/1964/0136/217.0/DLM361221.html) or "not living together" [27B\(2\)\(c\). However, the Courts have considered these terms and provided direction. When considering Domestic Purposes Benefit eligibility the term 'not living together' means 'not living together in the nature of marriage' or 'in the nature of a civil union'.](http://www.legislation.govt.nz/act/public/1964/0136/217.0/DLM361221.html)

People who are not legally married or in a civil union

[\[http://www.legislation.govt.nz/act/public/1999/0085/latest/DLM31861.html\]](http://www.legislation.govt.nz/act/public/1999/0085/latest/DLM31861.html) [Section 14 of the Legislation Act \[https://www.legislation.govt.nz/act/public/2019/0058/latest/DLM7298260.html\]](https://www.legislation.govt.nz/act/public/2019/0058/latest/DLM7298260.html) provides broad guidance about what to consider when examining a de facto relationship to see whether it is in the nature of marriage or civil union.

In cases concerning social assistance, existing criteria used by the Ministry to examine whether 'relationships are in the nature of marriage', and case law such as Ruka, can continue to be used to determine whether 'relationships are in the nature of marriage or civil union'.

Also, the Courts have deemed that to be in a 'relationship in the nature of marriage' or 'relationship in the nature of civil union' there must be both:

a degree of companionship demonstrating an emotional commitment
financial interdependence.

The commitment must go beyond mere sharing of living expenses, as platonic flatmates or siblings living together may do. It must amount to a willingness to support if the need exists, as well as a degree of companionship demonstrating an emotional commitment.

From the legislation and case law we can see that when considering whether a relationship is 'in the nature of marriage or civil union' there are a number of indicators we can use to help determine the situation.

Financial interdependence

direct financial interdependence such as joint bank accounts or assets or joint loans/credit
willingness to support if the need exists
mutually agreed financial arrangements.

Mental / emotional commitment

emotional commitment and support for each other
joint decision making and plans together
period of the relationship
sharing of one dwelling - full-time - part-time
sharing of one bedroom
a sexual relationship
sharing of parental obligations
sharing of household activities
sharing of companionship / spare time
sharing of leisure and social activities
presentation to outsiders as a couple
a relationship exclusive of others.

Case Law

[\[Ruka v DSW \(1996\) - \[1997\] 1 NZLR 154 * \(Court of Appeal\)\] \[http://doogie/resources/helping-clients/policies-standards/integrity/nfiu/legal/case-law/case-law-ruka-v-department-of-social-welfare.html\]](http://doogie/resources/helping-clients/policies-standards/integrity/nfiu/legal/case-law/case-law-ruka-v-department-of-social-welfare.html)

"The expression "relationship in the nature of marriage" necessarily requires a comparison with a legal marriage. The comparison must seek to identify whether there exists in the relationship of two single or sole parent persons, those key positive features which are to be found in most legal marriages which have not broken down (cohabitation and a degree of companionship demonstrating an emotional commitment). Where these are found together with financial interdependence there will be such a merging of lives as equates for the purposes of the legislation to a legal marriage.

The phrase "relationship in the nature of marriage" clearly cannot be equated with the worst marriage relationship which may be envisaged or with the common denominator of both good and bad marriages. In a real sense the reference to a relationship in the nature of marriage refers to an abstraction of the marriage relationship which, in essence, is a commitment to a sharing of the parties' lives in a manner which gives rise to an assumption of responsibility to and for each other."

Where a relationship is marked by physical or other violence, to the extent that a woman remains in the relationship out of fear rather than from a genuine emotional commitment, then the relationship could not be considered to be in the nature of marriage or civil union.

People who are legally married or in a civil union

For people who are legally married or in a civil union, the assessment required is to determine whether they are "living together" or "living apart" rather than determining whether the relationship is "in the nature of marriage" or in the nature of civil union.

In a legal marriage or civil union, it is a very short step from physical proximity to an assumption of continued or renewed cohabitation, especially if the alleged cohabitation has not been preceded by any lengthy separation and where there are other ties such as children in common.

If a couple who are legally married or in a civil union are shown to be residing in the same place, it would be difficult (though not impossible) for them to substantiate a claim that they are 'living apart' for the purposes of section 103 or 27B Social Security Act 2018.

Where the spouse or partner is not living permanently at the same location, an assessment of the indicators used for single or sole parent people can be used to determine their relationship status for benefit purposes.

Relevant Case Law suggests that for legally married or civil union people to be regarded as living apart, one party must intend to sever the relationships (DGSW v W, HC Wellington, McGechan, J 22/10/96) and that without that demonstrable intention, the parties must be regarded as still living together.

Refusal to support in order to claim benefit

A couple cannot qualify for single benefits if there is a refusal to support, or an arrangement that support will not be given, which is motivated by the knowledge that the dependent partner will then be able to claim a benefit. This cannot create a genuine absence of financial support.

Case law

The leading case on the issue of relationships in the nature of marriage under section 8 is *Ruka v Department of Social Welfare* (1997) 1 NZLR 154, decided in 1996 by the Court of Appeal.

A number of succeeding cases have endorsed and somewhat refined the statements made in *Ruka*.

[Case Law - Ruka v Department of Social Welfare \[http://doogle/resources/helping-clients/policies-standards/integrity/nfiu/legal/case-law/case-law-ruka-v-department-of-social-welfare.html\]](http://doogle/resources/helping-clients/policies-standards/integrity/nfiu/legal/case-law/case-law-ruka-v-department-of-social-welfare.html)

[Case Law home page \[http://doogle/resources/helping-clients/policies-standards/integrity/nfiu/legal/case-law-index.html\]](http://doogle/resources/helping-clients/policies-standards/integrity/nfiu/legal/case-law-index.html)

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Evidence of relationship status

This page provides information for fraud investigation staff when investigating cases where relationship status may be in question.

When investigating cases where relationship status may be in question, evidence should be gathered to prove or disapprove that there is cohabitation, emotional commitment and financial interdependence.

Unless they refuse to do so, this will include interviewing the client whose entitlement is being investigated, giving them the opportunity to explain the situation and taking a statement from them.

Following this interview, an assessment can be made to decide whether further investigation is required.

We should also interview any alleged partner and obtain a statement from them unless they refuse this.

Statements may also be obtained from witnesses such as landlords, neighbours, friends, family and other acquaintances.

A wide variety of documentary evidence may also be helpful. This might commonly include:

- tenancy agreements
- bank records
- credit or loan documents
- public records
- hire purchase agreements
- school enrolment forms
- local authority records
- birth or marriage registration
- vehicle registration
- property registration
- club memberships

Documentary evidence indicating the nature of the relationship may be available from a wide range of sources and is by no means limited to those listed above.

Case Law - Ruka v Department of Social Welfare (1997)

The leading case on the issue of relationships in the nature of marriage under section 63(b) is Ruka v Department of Social Welfare (1997) 1 NZRL 154, decided in 1996 by the Court of Appeal. A number of succeeding cases have endorsed and somewhat refined the statements made in Ruka.

Relevant documents and reports

[Prosecution paper \(Tony Cicolini\)](#) (Word 102.5KB) [<http://doogie/documents/resources/helping-clients/policies-standards/integrity/nfiu/20100921-case-law-relationships-ruka-v-dsw.doc>]

[Court of Appeal Decision](#) (Word 196.5KB) [<http://doogie/documents/resources/helping-clients/policies-standards/integrity/nfiu/court-of-appeal-decision-oct-1996.doc>]

[Solicitor Generals report](#) (Word 92.5KB) [<http://doogie/documents/resources/helping-clients/policies-standards/integrity/nfiu/20100921-case-law-ruka-solicitor-generals-report-2.doc>]

Court of Appeal case summary

"This appeal from conviction for what is commonly called social welfare benefit fraud was argued both here and in the Courts below on the basis that no fraud was committed because the appellant beneficiary, Miss Ruka was at all relevant times suffering from battered woman's syndrome.

She had been rendered incapable of leaving her batterer and so could not be said to have been living in "a relationship in the nature of marriage" with him. However, during argument in this Court and in our deliberations in this difficult case there has emerged a different issue. We have concluded that the central question is, rather, whether there was such an absence of financial interdependence between the parties to the relationship that it could not properly be described as in the nature of a marriage for the purposes of the social welfare legislation and that on the very unusual facts of the case the result of the appeal does not depend upon the presence of the syndrome."

Guidance and interpretation

In this case the appellant has lived with her alleged partner for 18 years. They had never married. The relationship had been violent for 16 years, characterised by vicious and regular beatings and rapes.

She had a child with the partner in 1977 but he never provided financial support for her or their child. The partner gave little or no assistance with domestic duties and took little part in looking after their child.

Between 1977 and 1992 the appellant was in receipt of various welfare benefits while "living" with the partner. He had relationships with other women.

The appellant felt unable to end the relationship because of her fear for her partner and threats he made. The relationship ended in 1992 when he went off with another woman.

The appellant was prosecuted on various charges, convicted in the District Court, had an unsuccessful appeal to High Court and appealed to the Court of Appeal.

The appeal was upheld and the convictions were quashed.

In its decision the Court of Appeal stated:

In our view a relationship in the nature of marriage for the purpose of the Social Security Act is one in which an essential element is that there is an acceptance by one partner that (to take the stereotypical role) he will support the other partner and any child or children of the relationship if she has no income of her own or to the extent that it is or becomes inadequate. The commitment must go beyond mere sharing of living expenses, as platonic flatmates or siblings living together may do; it must amount to a willingness to support, if the need exists. There must be at least that degree of financial engagement or understanding between the couple. It will not, however, be negated by a refusal to support, or an arrangement that support will not be given, which is motivated by the knowledge that the dependent partner will then be able to claim a benefit. Such a stratagem cannot create a genuine absence of support.

Where financial support is available nevertheless there will not be a relationship in the nature of marriage for this purpose unless that support is accompanied by sufficient features evidencing a continuing emotional commitment not arising just from a blood relationship.

The expression "relationship ion the nature of marriage" necessarily requires a comparison with a legal marriage (not a civil union) but that is not a straightfoward exercise.

The comparison must seek to identify whether there exists in the relationship of two single or sole parent persons those key positive features which are to be found in most legal marriages which have not broken down (cohabitation and a degree of companionship demonstrating an emotional commitment). Where these are found together with financial interdependence there will be such a merging of lives as equates for the purposes of the legislation to a legal marriage.

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Desk file

Early Intervention Refresher

March 2021

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CLIENT INTERACTION

Full notes of all interactions with the client/s must be documented.

Checked ID- ministry standard for phone ID

Document:

Discussion with client

Outcome of interaction with client

Letter sent to client in CMS/CMS noted

Case cleared

Note: *SSA 2018 only to be quoted where there is a change being made to a benefit*

Conversation Guidelines for Early Intervention

Introduce yourself

- Kia ora/hi, my name is ...
- I work for the Ministry of Social Development.
- Can I just go through our Identification process to confirm I am talking with the right person?

ID Client - **3** validating questions

We have received information about you. The information we have says that...

Briefly summarise the information – for example

- *We have received information that you have been living with Paul for the last 6 months*
- *We have received information that your child is not living with you now*
- *We have received information that you have started a business*

Options for conversation starters:

- I am ringing you to talk with you about your **current situation** and whether you've had a change in your living arrangements
- Have there been any changes that you can think of that you haven't told us about yet?
- Is there anything else you would like to tell us?
- I can help you to get everything sorted

The client may ask about how the Ministry views relationships. Ask if they've seen the Relationship Brochure and offer to send one to them. Talk through the information that's in the brochure.

Remember:

You're not making the decision about the information, the client is.

Client wants to know who made the allegation

Who told you that? How do you know?

- *Most of the information we receive is anonymous – we don't know who rang us.*
- *We don't assume that the information we have is correct, which is why we are contacting you about it.*

If the client requests a copy of the information we have, treat this as a Privacy Act request.

Change in Circumstances

- *Thanks for letting me know that your situation has changed.*
- *I will need to make some changes to your payments.*

Make a time to ring them back to advise the changes, and when it's all going to change. Or do it at the time if you are in a position to do so.

- *The computer will automatically send you a letter telling you about the changes as well.*

No change in circumstances

- *Thanks for talking with me today; I will make a note of our conversation.*
- *Can I just remind you to let us know if anything changes in your situation, give us a call and tell us about it so we can make sure you are getting the right payments.*
- *I will send you a letter covering what we have talked about.*

Not sure about change in circumstances

- *If you are not sure then I can give you a couple of weeks to think about things. How about I ring you back on ... and you can let me know what you think.*
- *I will call you on...and we can talk further then.*
- *If you want to talk to me before then, you can, just ring me or email me and I will reply to you. You can ring me on...*

If the client isn't sure about the relationship and wants to talk to the partner or someone else for some advice/support, give them a couple of weeks to come back to you. After two weeks, if you haven't heard from them, contact them again and if necessary, send the letter that advises the client you are trying to contact them.

Still not sure about change in circumstances

If the client comes back to you and they're still not sure, think about whether the next best step is a facilitation interview with an investigator, or whether they should meet with their Case Manager.

Remember, this is about low level information.

If you feel a conversation with an Investigator is the best next step, tell the client you're referring to an investigator who is the best person to talk to them in person. The investigator won't be investigating the client but is an expert in relationships.

You could also refer them to their Case Manager and make an appointment for them. Talk over the next best step with your manager.

If you don't hear from the client, you will need to think about whether the suspension process is appropriate. Discuss this with your manager.

If the client asks for help with something you can offer to make an appointment with the client's case manager.
WFF conversation might be helpful.

Phone or text Message script

Follow text message process in Global or ring and leave a message

- *Hi, this is Mary from the Ministry of Social Development, can you give me a ring please on ...*