

Legal marital status

2001 Census question

21 Which one of these statements is true about your legal marital status?

If you have been married more than once, answer for your most recent marriage.

- I have never been legally married
- I am divorced or my marriage has been dissolved
- I am a widow or widower
- I am permanently separated from my legal husband or wife
- I am legally married

Background

The Civil Union Act 2004 came into effect on 26 April 2005. This legislation allows two people to have their relationship solemnised as a civil union (by way of a formal ceremony) and officially registered. A civil union may be entered into by same-sex or opposite-sex couples. Passing this bill required a reappraisal of the concepts and categories included in the 'legal marital status' question for the 2006 Census.

Due to the limited time available for redevelopment of this question before census forms were printed, it was anticipated that rework for 2006 is an interim measure only, and that further development will be required for the 2011 Census.

The forms design team consulted with other government agencies during development to establish what terminology would be used in collecting data on civil unions. In particular, the need to translate terms into the equivalent Māori language was a key concern for the team and required a collaborative approach. Agencies involved in this consultation included Births, Deaths and Marriages, which is part of the Department of Internal Affairs, the Ministry of Justice and Te Taura Whiri.

Development objectives/plan

The objectives identified for the 2006 development were to redesign the question to add options for collecting information about civil unions while retaining a good standard of data quality for other legal marital status options.

Cognitive testing

The cognitive testing programme was conducted between April 2003 and May 2005 with respondents of varied age, gender and ethnicity. Interviewers observed respondent form-filling behaviour and asked a series of follow-up questions.

For the 'legal marital status' question, testing took place between November 2004 and May 2005 and consisted of cognitive testing only.

Because revisions and testing needed to occur before the legislation came into effect, it was accepted that testing would be hypothetical in nature and that this would limit the conclusions that could be drawn. The civil union categories were tested in round four of the cognitive testing programme.

Cognitive testing results

Round four: November 2004 to May 2005

The new civil union categories were tested on a range of respondents and included targeted testing with groups, such as young heterosexual males, older respondents, gay and lesbian respondents, minority cultures and respondents with various religious beliefs.

Results showed that the majority of respondents tested were aware of the proposed legislation but many believed it to apply solely to same-sex couples. There were also a sizeable number of respondents who were unaware of the legislation and did not know what a civil union was. Comments from respondents suggested that some thought it might be a de facto relationship, as implied in the word civil.

Early drafts of the question replaced 'legal marital status' with 'legal relationship status'. However, testing showed that this concept was not familiar to respondents, who were inclined to include de facto relationships, reasoning that these were also recognised under law. The terminology was therefore changed to become 'legal marital/civil union status' and subsequent testing confirmed that this improved respondents' understanding of the question.

To further facilitate understanding and make it clearer that civil unions were a solemnised relationship, the words 'legally joined in a civil union' were used in answer options. Testing confirmed that these words helped convey the concept of a formalised relationship and reduced the number of incorrect assumptions. However, respondents who were unaware of the legislation continued to have problems.

The wording for a legal civil union status equivalent to 'widow' also proved to be difficult. The word 'widow' is one which is traditionally connected with marriage and it was unclear whether respondents would apply this term to civil unions. Therefore, to avoid any possible confusion, the phrase 'bereaved civil union partner' was used for this category. In testing, this terminology was difficult for some to understand, but the design team was unable to develop a simpler alternative in the time available.

Changes made for the 2006 Census

23 Which one of these statements is true about your legal marital / civil union status?

If you have had more than one legal marriage / civil union, answer for your most recent.

- I have never been legally married and I have never been legally joined in a civil union
- I am divorced or my marriage has been dissolved
- I am a widow / widower / bereaved civil union partner
- I am permanently separated from my legal husband / wife / civil union partner
- I am legally married
- I am legally joined in a civil union

For 2006 this question describes relationships in terms of 'legal marital/civil union status'. The new response option, 'I am legally joined in a civil union', has been added to the list of options. Additional categories have been included, eg 'bereaved civil union partner' was added to the 'widow / widower' category.

Future development

For the 2011 Census development it is recommended that the 2006 Census data quality be evaluated and that this question be reviewed. In particular, the following aspects should be reconsidered:

- whether respondents have an improved understanding of civil unions
- if 'legal marital/civil union status', 'legal relationship status' or other terms are more understandable (this also applies for the living arrangements question)
- if separate categories for civil union status are required
- if separate information on same-sex and opposite-sex civil unions need to be included
- if a category for civil union respondents will be equivalent to the 'divorced/dissolved' category for married respondents
- if simpler terminology has evolved for 'bereaved civil union partner'
- the impact of new categories on the other 'legal marital status' options.