

Application for contempt enforcement proceedings

When should I use this form?

This form lets you apply for a court order against the judgment debtor where they have the means to pay the judgment debt but are refusing to do so. Use this form if all the following apply:

- you are the judgment creditor
- the money owed in a judgment or court order has not been paid
- you can show that the judgment debtor has the means to pay the debt but is refusing to do so. For example, a financial statement or financial assessment has been completed.

How do I complete this form?

This form has three sections:

- Section A is for information required to process your application. You must complete all the steps in Section A.
- Section B is for the date and your signature. You must complete Section B.
- Section C is for extra information to assist the enforcement process. You only need to complete the steps in Section C that are relevant to your application.
- You can only use this form to apply for **one hearing for one debtor**. If you have more than one debtor, you must file a separate application for each debtor.

Who can sign this form?

You can only sign this form if you are the judgment creditor or their lawyer. Anyone can help you complete the rest of the form.

How much does it cost to make an application?

There are two fee options dependent on how the judgment creditor wants the summons to be served. The court can order the judgment debtor to repay the fee.

The application fee is \$200 if the judgment creditor elects to serve the summons. At the hearing the creditor can claim up to \$50 expenses for service of the summons.

The application fee is \$250 if the judgment creditor wants the bailiff to serve the summons.

If the address you are using for the judgment debtor is a confidential address, you must select the court bailiff to serve the summons.

KEY WORDS

Below are explanations of some of the words we use in this application form.

Confidential address request A request to the Ministry of Justice to check its records for an address for the judgment debtor.

Court order Issued by a court or tribunal that requires a person or organisation to do, or stop doing, something.

Enforcement Action authorised by a court to get the judgment debtor to comply with a judgment or court order.

Financial means A summary of the judgment debtor's income, expenditure and assets for the past 52 weeks.

Judgment The decision of a judge in court proceedings. It also includes the reasons the judge gives for their decision.

Judgment creditor The person or organisation money is owed to in a judgment or court order.

Judgment debt The sum of money awarded to the successful party (the judgment creditor) in a judgment or court order. The money is owed to the judgment creditor by the unsuccessful party (the judgment debtor).

Judgment debtor The person or organisation who owes money in a judgment or court order.

How do I file my application?

You can file your application by post, in person or electronically through File and Pay. You must pay the fee with your application.

By post

Post your application to:
Central Registry,
DX SX10042
Wellington.

In person

See justice.govt.nz/contact-us/find-us for the address of your nearest District Court.

File and Pay

You can file the application electronically and also pay the filing fee through File and Pay on courtsfnz.govt.nz/file-and-pay

What are the next steps after making an application?

When an application is received for filing the court will make a decision about whether a hearing should be scheduled. This decision is based on whether there is sufficient information included in the application to show that the judgment debtor has the means to pay the debt but is refusing to do so. If the court is not satisfied with the information about this then the application may be declined without a hearing taking place.

If the court schedules a hearing the summons will be forwarded either to the judgment creditor or the bailiff for service. If the summons is served, the hearing can proceed. The hearing is held before a District Court judge. The judge may order the judgment debtor do up to 200 hours community work. The judge may also make other civil enforcement orders, for example an attachment order, in addition to ordering community work.

Where can I find more information?

If you need help with this form, you can:

- call **0800 233 222**
- visit justice.govt.nz/fines/about-civil-debt/
- email civilenforcement@justice.govt.nz.

Paying for your application

You must pay the fee with your application.

Applying in person

If you apply in person at a District Court, you can pay by cash or eftpos (Visa or Mastercard credit or debit cards).

File and Pay

You can pay the filing fee through File and Pay on courtsfnz.govt.nz/file-and-pay

More payment options

For more options on how to pay, you can visit:

justice.govt.nz/fines/ways-to-make-or-receive-a-payment/civil-enforcement/

Application for contempt of enforcement proceedings

Section A Information required to process your application

You must complete all the steps in this section.

1. Provide the court reference number this application relates to

For example, CIV-2013-095-123

Court reference number

You must attach a copy of the judgment or court order if you have not already given the court a copy.

- I have attached a copy
- I have already given the court a copy

2. Provide the details of the judgment creditor making this application

The judgment creditor is the person money is owed to.

Full name

Organisation name (if applicable)

Office held by authorised officer making application

Postal Address	Street address (if different)
<input type="text"/>	<input type="text"/>

Email

Phone: Mobile	Business	Home (if applicable)
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you are an applicant and wish to ensure your contact details on this form are kept confidential to the other party, please tick this box.

Indicate your preferred contact address

- my email address
- my postal address
- my lawyer's address (see Section C)
- my debt recovery company's address (see Section C)

3. Provide the details of the judgment debtor

The judgment debtor is the person who owes the money.

Full name of person (individual only)

Person's date of birth (if known)

Address

Do you have an address for the judgment debtor?

Yes, the address is

This address was current on

I would like the Ministry of Justice to check its records and, where they are more recent, use the contact details it holds for the judgment debtor.

No, I do not have an address for the judgment debtor. But I have made a confidential address request and the Ministry of Justice has advised that it has found an address for the judgment debtor.

Other contact details

Provide any other contact details for the judgment debtor.

Email

Phone: Mobile

Business

Home (if applicable)

4. Provide details about how the summons will be served on the judgment debtor

If the address you are using for the judgment debtor is a confidential address, you must select the court bailiff to serve the summons.

Select one of the following

I will arrange service of the summons

I want the court bailiff to serve the summons

5. Provide details about why you think the judgment debtor has the means to pay the debt but is refusing to do so

6. Provide details about the enforcement action that has been considered or tried

List the enforcement action considered or taken in this matter	Explain why the enforcement action was either inappropriate or unsuccessful

7. Provide details of the judgment debt and any enforcement costs you want to claim

You can claim some of your costs from trying to enforce the judgment or court order. Enter the judgment debt, the payments made and costs you want to claim, in the table below.

For help calculating the interest you can claim visit justice.govt.nz/fines/about-civil-debt/collect-civil-debt/interest-on-civil-debt/

Debt

Amount of judgment debt	\$	<input type="text"/>
Less amount already paid	\$	<input type="text"/>
	Sub total \$	<input type="text"/>
Interest on the remaining debt	\$	<input type="text"/>
	Sub total \$	<input type="text"/>
Enforcement costs you want to claim		
Fee for filing application	\$	<input type="text"/>
Lawyer costs for this application	\$	<input type="text"/>
	Sub total \$	<input type="text"/>
Total amount owed	\$	<input type="text"/>

Section B Date and signature

This section must be completed by the judgment creditor or the judgment creditor's lawyer.


Your name

Signature _____ Date

Select one of the following:

- I am the judgment creditor
- I am the judgment creditor's lawyer

Checklist . . .

-  Have you attached a copy of the judgment or court order?
- Have you signed and dated the form?
- Have you indicated how the summons will be served?
- Have you paid the application fee?
- Do you need to complete Section C?

Section C Extra information to assist the application process

Only complete the steps in Section C that are relevant to your application.

1. Provide the details of the lawyer representing you

Name of law firm

Name of lawyer

Postal address

Email

Phone

Reference number

2. Provide the details of the debt recovery company collecting the debt for you

Company name

Postal address

Email

Phone

Reference number