



# Application for contempt of 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 or in person. You must pay the fee with your application. If you want to pay by credit or debit card please complete the payment details section in this form.

## By post

Post your application to:  
Central Processing Unit,  
DX SX10042  
Wellington.

## In person

See [justice.govt.nz/contact-us/find-us](https://www.justice.govt.nz/contact-us/find-us) for the address of your nearest District Court.

## 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:

- visit [www.justice.govt.nz/fines/about-civil-debt/forms](https://www.justice.govt.nz/fines/about-civil-debt/forms)
- email [civilenforcement@justice.govt.nz](mailto:civilenforcement@justice.govt.nz)
- call **0800 233 222**.

# Paying for your application

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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, cheque, or eftpos (Visa or Mastercard credit or debit cards).

## Applying by post

If you apply by post, you can pay by cheque, or by Visa or Mastercard. Complete the card details below, or attach your cheque to this page.

## Credit or debit card details

### Type of card

Visa

Mastercard

Name on card

Card number

Card expiry date            /

Payment amount: \$

Once the payment has been processed, we will dispose of this information securely.

## Cheque

Attach your cheque here. Make it payable to 'Ministry of Justice'.



# 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

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

Postal address

Street address *(if different)*

Email

Phone: Mobile

Business

Home *(if applicable)*

#### 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 or organisation

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 and costs you want to claim in the table below.

**Debt**

Amount of judgment debt	\$
Less amount already paid	\$
Sub-total	\$

**Interest you want to claim (for debts over \$3000)**

Interest on the remaining debt	\$
Sub-total	\$

**Enforcement costs you want to claim**

Fee for filing application	\$
Lawyer costs for this application	\$
Sub-total	\$

<b>Total amount owed</b>	<b>\$</b>
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## 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 attached the application fee?
	Do you need to complete Section C?



## Section C **Extra information to assist the application process**

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**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