Guidance on Using the Harassment Act Notice of Proceeding Template

(Form 94 of the District Courts Rules 2014)

About the notice of proceeding for a Harassment Act application

A notice of proceeding (form 94) must be filed and served when:

* An application is being made for a restraining order, or
* An application is being made to vary or discharge an existing restraining order

If you are applying for a restraining order, or are a protected person who is a party to an application to vary or discharge a restraining order, you may apply to the court to keep your address confidential from the other parties to the proceeding. If you wish to keep your address confidential please:

* Do not enter your address when filling in this form, and
* File a notice of residential address and request for confidentiality (form 95).

How to use the template

All the required fields are set out in the template on the following two pages.

The sections that you have to fill out are marked with red text. The red text explains what you need to put in. These are fillable form fields, so click on the red text and start typing. The red text will be replaced by the content that you type. If you want to leave the field blank, just enter a space.

The blue text is explanatory notes. Delete these notes before printing the form.

Formatting your form

Before printing the form, check that the pages are numbered. Numbering should start at page 1 on the page after the cover page (i.e. the cover page should not be numbered). The template is set up to automatically number the pages in this matter.

You may print the form either single or double-sided. However, , the cover sheet must not be double sided. If you print double sided you must adjust the margins as follows:

* In the “Margins” section in Word, select “Custom Margins”. In the box that pops up, find the field called “Multiple pages”. Select “Mirror Margins” from the dropdown menu, and click OK.
* The wide margin should now be on the left of every front page, and on the right of every reverse page.

Once you have completed the form, print and sign it.

No: Enter the CIV number (court reference number) if known.

In the District Court at Court location (e.g. “Manukau”)

Under the Harassment Act 1997

Applicant’s full name, address and occupation.

(applicant)

 Respondent’s full name, address and occupation.

(respondent)

If there is an associated respondent, enter their details as well.

Notice of Proceeding

Next event date: Next court event date (if known). Delete this line if unknown.

Judicial officer: Judge hearing the next event (if known). Delete this line if unknown.

**NOTE: enter enough lines above so this section is at the bottom of the cover page.**

Filed by your name, the applicant in person.

**To:** Respondent’s full name (the respondent)

And to**:** Associated respondent’s full name (the associated respondent)

(delete the above line if there is no associated respondent).

Select the following statement that applies and delete the other options:

**Notification of application for restraining order**

Applicant’s full name has filed an application for a restraining order against you.

**OR**

**Notification of application for variation of restraining order**

Applicant’s full name has filed an application for variation of the restraining order made in the District Court at place and date order was made between full name, the protected person, and full name, the respondent.

**OR**

**Notification of application for discharge of restraining order**

Applicant’s full name has filed an application for discharge of the restraining order made in the District Court at place and date order was made on between full name, the protected person, and full name, the respondent.

**OR**

**Notification of application for variation or discharge of restraining order by associated respondent**

Full name, the associated respondent, has filed an application for variation/discharge of the restraining order made in the District Court at place and date order was made between full name, the protected person, and full name, the respondent, and full name, the associated respondent, in so far as the order affects him/her..

A copy of the application is attached. The nature of the order or orders sought is specified in the application, which also states the date of the hearing.

The applicant's address for service is address..

Date:

Signature: (sign here)

(applicant)

**Notes**

**Notice of defence**

If you wish to defend the application, you may file a notice of defence in this office of the court at least 5 working days before the date of the hearing. An affidavit must be filed with the notice of defence. A copy of the notice of defence must be served on the other party. That copy may be delivered to the address for service given by that person.

If you do nothing, the hearing may proceed and the court can make an order in your absence.

**Address for service**

If you do not wish to defend the application but you do wish to know what is happening, you should:

1. file in this registry of the court a notice giving the address of a place in New Zealand at which documents can be left for you; and
2. serve a copy of the notice on the other party to the proceeding. That copy may be delivered to the address for service given by that person.

**Advice**

If you need help, consult a lawyer or contact a District Court registry immediately.

**Registry hours**

The registry of the District Court is open from 9 am to 5 pm on Mondays to Fridays inclusive.

Date:

Signature:

(Registrar/Deputy Registrar)