

Guide to applying for a Protection Order



About this guide

Read this guide to find out more about applying for a Protection Order. If you want a Protection Order you will need to fill out a Protection Order Application and Affidavit. Take your time to complete this Application and speak to friends or family/whānau if you need support.

What is a Protection Order?

A Protection Order is a court order made by a Judge. The Order says that the person you need protection from must stop being violent, abusive or threatening towards you, your children or anyone else named in the Order.

Who can apply for a Protection Order?

Anyone who needs protection from someone who is violent, abusive or making threats can apply. You must have, or previously had, a close personal relationship with that person. It could be a partner, ex partner, flatmate, carer or family/whānau member. They don't have to be living with you.

How will a Protection Order help keep you safe?

A Protection Order means the person you want protection from can be arrested if they hurt, threaten, approach or contact you, your children or anyone else named in the Protection Order.

If a Judge makes a Protection Order, once the person you want protection from has been given (served) the Order, they mustn't:

1. Be violent, abuse or threaten you, your children or anyone else named in the Order. The violence, abuse or threats can be physical, sexual, psychological or financial.
2. Encourage anyone else to be violent, abuse or threaten you, your children or anyone else named in the Order.
3. Damage or threaten to damage your property or harm your pets.
4. Make contact with you unless you've told them it's OK in writing. **You decide** if the person you want protection from can stay in your home with you and what contact you have with them, if any.

IMPORTANT NUMBERS – IF YOU'RE IN DANGER NOW – CALL 111

These organisations are here to support you, and help keep you and your family safe. These services are free.



Women's Refuge:

Freephone:
0800 733 843

24 hours, everyday
www.womensrefuge.org.nz

Shine:

Freephone:
0508 744 633

9am-11pm everyday
www.2shine.org.nz

Shakti:

Freephone: 0800 742 584

Shakti is a support service for Asian, African and Middle Eastern women and their children – 24 hours, every day
shakti-international.org/shakti-nz/

What do these words mean?

The Protection Order form uses words and terms that may be new to you.

Term	Description
Applicant	The person who needs protection – this is usually the person who is filling out this form (you).
Respondent	The person you're asking for the Order against. This is the person that you want to be protected from.
Associated Respondent(s)	A person (or people) who you also want protection from – they're also being violent, abusive or threatening towards you after being encouraged by the Respondent.
Served	When a document (such as a Protection Order) is officially given to the Respondent, for example by Police or a Court Official.
Address for Service	The respondent must send you a copy of their document if they choose to defend your application. This is the address they will send the document to. Even if you want your home address to be confidential, YOU must still provide an Address for Service.
Affidavit	This is when you write out in detail about why you need a Protection Order. This is your evidence. The Affidavit is a legal document and everything you write must be true and you have to get your statement signed off by someone who has the legal authority to do so – such as a lawyer or a Justice of the Peace (JP). The Respondent receives your Affidavit when they're served. For more information refer to the Affidavit guide.
Without Notice	This means that the Respondent is not told about the application. They don't get to talk to the Judge about the application before the decision is made by the Judge. The Judge can also make a Temporary Order for your protection while a decision is being made on the Protection Order application.
On-notice	This means that the Respondent will be told that an application is being made for a Protection Order against them. They will have an opportunity to talk to the Judge before a decision is made.
Special conditions	This means other things you want the Judge to order, so that you and/or your children are kept safe. It may also include exceptions to the Order about when, and how, the Respondent can contact you or your children.

What is violence?

Violence can be many things including:

Physical	Someone hurting you. For example by hitting, slapping, kicking you with their body, a weapon or an object, strangling, choking, suffocating, or burning you.
Sexual	Someone pressuring you to do something you don't want to do sexually. For example someone forcing you to have sex, touching you or forcing you to perform sexual acts or watch pornography.
Emotional and psychological	For example someone putting you down, making you feel useless, calling you names, humiliating you in private or in public. Someone controlling you, isolating you, stopping access to aids or medication, being cruel to your pets, stalking or harassing you in person or on your phone or on the internet, breaking your things, or breaking into your home.
Financial	For example someone taking money from you, using your bank cards, getting you into debt without your permission. Someone pressuring you to get a loan or to sell your property. Stopping you from accessing your money.
Threats and intimidation	<p>Someone making threats to you face-to-face, over the phone, by email or written in notes, letters or on social media.</p> <p>Examples of a threat can be:</p> <ul style="list-style-type: none"> • Someone saying they're going to hurt or kill you, your children, or a pet. • Someone holding their fist, a knife, hammer, gun or other weapon near you and threatening to hurt you (but not physically hurting you). • Someone threatening to report you to authorities (for example Immigration, Work and Income, Oranga Tamariki) • Someone saying they're going to commit suicide to try and control what you do.



Do you need legal advice?

You can make this application yourself or you may want to get a lawyer to help you fill out this form.

The New Zealand Law Society has a directory of lawyers around New Zealand.

Visit: www.lawsociety.org.nz

Legal aid: If you can't afford a lawyer you may qualify for legal aid which will pay for a lawyer. You can find out more about applying for legal aid here: <https://www.justice.govt.nz/get-legal-aid>

Community Law Centres have lawyers who can support you, and this service is usually free. To find your closest Community Law Centre look in your phone book or online at www.communitylaw.org.nz



Do you have questions about this form?

If you have questions about this form you can call the Ministry of Justice on freephone:

0800 268 787 (9am – 5pm, Monday – Friday)

Do you want to apply for a Protection Order?

You will need to complete a Protection Order Application, an Affidavit and Information for Police Form.

You can get these from your local Court or online at <https://www.justice.govt.nz/family/family-violence/protection-order-forms/>

Do you need other Orders?



Occupation, Tenancy and Furniture Orders

You can ask the Judge to make decisions about your living arrangements and furniture by filling in an application for a Property Order. This includes Occupation, Tenancy or Furniture Orders. You can apply for these Orders at a later time once you have a Protection Order.

If you want to live in the dwelling (house, apartment or other), fill in **either**:

- 1. Application for an Occupation Order – if you, the respondent (or both) own or part own the dwelling**
- 2. Application for a Tenancy Order – if you're renting the dwelling**

If you're asking for either an Occupation or Tenancy Order and want to keep some or all of the furniture, you can also fill in an **Application for an Ancillary Furniture Order**.

OR

If you're moving out and want some or all of the furniture, you can fill out an **Application for a Furniture Order**.

When you've finished your form



When you've finished your form, you'll need to take it to the nearest Court.

You'll need to swear or affirm your facts are true. This means a Deputy Registrar at a Court, a Lawyer or a Justice of the Peace will watch (witness) you signing the Affidavit form and take your oath.



Free Safety Programmes are available for you and your children.

If you're granted a Protection Order, you'll be offered a free Safety Programme. You don't have to go, but it can be really helpful to get some support and work out the next steps. Free Safety Programmes are also available for your children, to help them make sense of what's happening. Someone from the Court will contact you and ask if you or your children would like a programme and will give you all the information you need.

You or your children can also ask the Court for information about these safety programmes while the Protection Order is in place.

Application for a Protection Order



Section 60, Family Violence Act 2018

In the Family Court at *(Court location)*

FAM



This application is

Without notice

On-notice

See page 2 of the Guide to applying for a Protection Order.



Important:

Do you want your address to be kept confidential from the Respondent?

Yes

No

If yes don't fill in your address anywhere on this form. You will also need to complete the Request for Confidentiality Form.



Applicant *(you, or the person who needs protection)*

Full name

Home
Address

Respondent *(the person you're saying you need protection from)*

Full name

Home
Address

Occupation

Associated Respondent *(fill this in if there are other people that you're saying you need protection from. See page 2 of the Guide to applying for a Protection Order.)*

Full name

Home
Address

Occupation

COURT USE ONLY:

Date document is filed: *(Court stamp)*

I (your name)

am applying for a Protection Order against (Respondent's/Associated Respondent's name)

This document is filed by:

Name

Address for service

Note: Even if you want your home address to be confidential, YOU must still provide an Address for Service.

If filed by lawyers:

Name of acting lawyer

Contact number



Applicant

Full name

Date of birth

Age

Gender

Ethnicity

Country where you usually live

Do you need an interpreter?

Yes

No

Language

Occupation

Don't fill in the following contact information if you have ticked yes for a confidential address on the previous page.

Home address

Work address

Email address

Phone number

What is the best way to contact you?

Address for service. This is where any written information will be sent to you. See page 2 of the Guide to applying for a Protection Order.



Children's* details

Who else is this Protection Order for?

A Protection Order automatically covers you, your children who usually live with you (part time or full time) and any child born after the date any Order is made. Please fill out their details below.

Child 1

Full name of child

Date of birth Your relationship to child

Respondent's relationship to child

Who is the child currently living with and what is that person's relationship to the child?

Child 2

Full name of child

Date of birth Your relationship to child

Respondent's relationship to child

Who is the child currently living with and what is that person's relationship to the child?

Child 3

Full name of child

Date of birth Your relationship to child

Respondent's relationship to child

Who is the child currently living with and what is that person's relationship to the child?

Child 4

Full name of child

Date of birth Your relationship to child

Respondent's relationship to child

Who is the child currently living with and what is that person's relationship to the child?

If you have more than four children please use another piece of paper and include the same information for each child.

* NOTE: A child means a person who is under the age of 18 years (s8 Family Violence Act).

**Are there any current orders relating to any of those children?
(for example, Parenting Orders or Oranga Tamariki Orders).**

Yes No Don't know

Please give details if you know any of the following (it's OK if you don't know):

File number

What they were for

Who they involved

Date they were made

Court they were made to



Other people who need protection

A Protection Order can also cover other people you're close to if it's necessary for their protection.

Does this Order need to cover anybody else? This might be a family member, your current spouse/partner, adult children (18 years old and over), another person in your household or someone else you may have a close personal relationship with.

Their full name	What is their relationship to you?	Do they agree with you adding them to this order?
		<input type="checkbox"/> Yes

Anyone named here should (if possible) agree in writing to be covered by the Protection Order. If there is no practical way to get their consent, you must say why in your Affidavit.



Note:

Someone can only be covered by your Protection Order if they need to be protected because of the relationship the Respondent has with you.

Make sure the reason why they need to be included is explained in the affidavit (page 5 of the Affidavit form).

Special conditions

Do you have any conditions you want the Judge to include on the Order? For example, this may include times when the Respondent may need to make contact with you or any of the protected people.



The Respondent

Please complete if known

Full name

Date of birth

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

 Age Gender

Ethnicity

Country where they usually live

Home address

Work address

Email address

Phone number

Is the Respondent a member of either the Police or Armed Forces? Yes No

If yes, which one? Police Army Navy Air Force

Location



Other information

Have you or the Respondent ever submitted other applications against each other to the Family Court?

Yes No Don't know

Please give details if you know any of the following (it's OK if you don't know):

File number

What they were for

Who they involved

Date they were made

Court they were made to

Affidavit in support

I rely on the content of the affidavit dated filed in support of this application (or these applications).

Signature



Signed

Date



Guide to completing your Affidavit for your Protection Order

About this guide

Read this guide to find out more about completing your Affidavit. Take your time to complete this document and speak to friends or family/whānau if you need support.

What is an Affidavit?

An Affidavit is how you describe for the Judge what violence, abuse and/or threats the Respondent has used against you. It's your chance to tell the Judge your story.

It's important that you include all the facts you can – such as:

- when and where the violence happened
- what actually happened
- if anyone else was present (especially your children).

Everything you say must be true and correct and you should only include facts that are relevant to why you need a Protection Order.

This information can help the Judge understand the situation and decide whether to grant the Protection Order and if it's needed without notice. You must write or print your affidavit on one side of the paper only.



Tip:

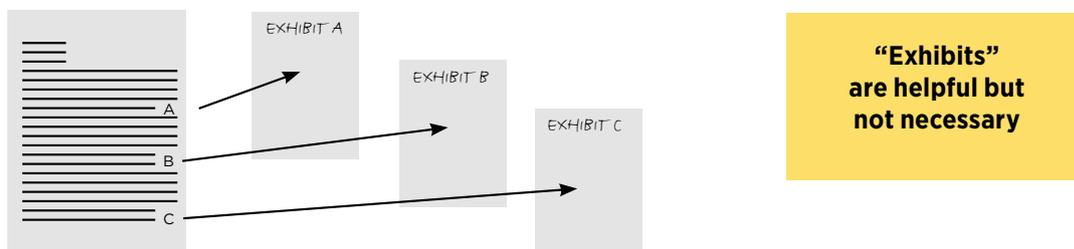
It can be helpful to use bullet points to set out the facts. This means, listing the facts. Keep the information clear and simple so it's easy for the Judge to understand what happened and how it made you feel.

The Affidavit will ask you to write about what has been happening, including:

- The most recent incident of violence that led you to making the Protection Order application
- If the application is made without notice, how a delay in making the Protection Order could put you (and/or your children) in danger
- The violence that has happened in the past
- How the violence has made you feel and its impact on you, your children and anyone else named in the application
- If you're including "Special Conditions", detail why these are important to you and/or your child(ren).

Documents to support your Affidavit

You can attach documents to support your Affidavit. For example a doctor's or dentist report, police reports, screenshot of abusive texts etc. These are called "Exhibits" and you should name them in the order you write about in your Affidavit. For example, if the first document you write about in your Affidavit is a doctor's report, write "EXHIBIT A" on the top of the copy of the doctors report. Then you write (see Exhibit A) in your Affidavit. Your next document will be "Exhibit B" and so on.



If you've had any family violence incidences reported to the Police you can request for these reports to be given to you and attach them to the Affidavit as Exhibits. However, you don't have to have these.

To get these Police report(s) you'll need to fill in a request form (<https://forms.police.govt.nz/privacyactrequest>). Make sure you ask for it to be handled urgently for a Protection Order application.



This is a legal document:

- Everything you say must be true and correct to the best of your knowledge and belief
- It should only contain details about your situation. Try to include specific names, dates, and places if you have them
- It must say why you need a Protection Order and if it's urgent, and your reasons why it's urgent.
- You need to initial the bottom of each page and sign the final page in front of a Deputy Registrar of the Court, a Lawyer or a Justice of the Peace
- With your signature, you'll be confirming that everything you have said is true.

It's best to prepare

Before you write your Affidavit, it may help to take some time to think about what has happened. Dates can be hard to remember but are important in the Affidavit, so think about anything that can help you remember about the times when things happened.

Remember violence is NOT only about physical harm. Family violence can also be:

- intimidation and threats
- emotional and psychological abuse
- sexual violence and/or financial abuse
- physical violence.

Family violence can be a build-up of lots of little things that mean you're now feeling frightened. To help you remember what this could be, we have included some check lists of the different forms violence can take.

Use the checklist on this page to help you remember what's happened

The checklist has some examples of the different forms of family violence. These are not the only examples of Family Violence but may help you think about your experiences and remember what has happened.

Has the Respondent done any of these things:

Tick each of those that apply to you

Intimidation and Threats

- Threatened to kill you
- Threatened you with a weapon
- Screamed or yelled at you
- Punched walls or doors
- Threatened to hurt or kill your children
- Would not leave your home when asked
- Threatened to report you (eg to Immigration, Work and Income, Oranga Tamariki)
- Threatened to hurt or kill your pets

Physical Violence

- Ever used physical violence against you
- Choked, strangled or suffocated you (or tried to)
- Slapped, hit, punched or kicked you
- Pushed, grabbed, tripped, shoved you
- Held you down against your will
- Shook or thrown you to the ground
- Used a knife, gun or other weapon against you

Psychological Abuse

- Humiliated you alone or in public
- Put you down, called you names
- Stalked, constantly harassed or texted you
- Controlled your access to money
- Tried to make you think you're going crazy
- Controlled what you do or who you talk to
- Ridiculed your religious or spiritual beliefs or values
- Prevented you from phoning or visiting family and/or friends
- Threatened to harm or kill themselves if you leave

Sexual Violence

- Physically forced you to have sex
- Forced you to perform sexual acts
- Pressured you to have sex using threats
- Forced you to watch pornography (porn)
- Forced you to have sex in a way you didn't want to
- Had sex with you while you were asleep or unconscious

Are there any other examples you could include in your Affidavit?



Tip:

When you write your affidavit, remember to include any details you can about when and where and how often this violence happened.

Affidavit



In support of applications for a Protection Order.

In the Family Court at *(Court location)*

FAM



Note:

The applicant's address may be omitted from the front page where the applicant has asked for this information to be kept confidential.



Applicant *(you, or the person who needs protection)*

Full name

Home
Address

Occupation

Respondent *(the person you're saying you need protection from)*

Full name

Home
Address

Occupation

Associated Respondent *(fill this in if there are other people that you're saying you need protection from. See page 2 of the Guide to applying for a Protection Order.)*

Full name

Home
Address

Occupation

COURT USE ONLY:

Date document is filed: *(Court stamp)*

I, (Full name)

of, (Address)

(Write address unless you want to keep it confidential from the Respondent)

Occupation

swear/solemnly and sincerely affirm that:

My relationship to the Respondent is

- Spouse/partner Family/whānau member We have a close personal relationship
- We live in the same home Ex spouse/partner

Give details about your relationship, such as:

- Date and place of marriage or civil union
- Whether you're still together or separated
- If not a partner, their relationship to you
- How long you have known them for
- Whether you live in the same house
- How long you have been in a relationship with the person

The Respondent has

Drug and/or alcohol issues Yes No Mental health issues Yes No

If yes, please describe what these are (if you can)

The Respondent has had Protection Orders issued against them by someone else in the past

Yes No Don't know

If yes, please provide details of those orders (if you can)

Exhibits referred to on this page (by assigned letter e.g. "A")

Initials:

**Please describe the history of violence including:**

- Date, time and place
- What was said and done (all forms of violence)
- If anyone else was present and saw what happened (witnessed)

If you have children, have they witnessed any of the violence that you have described?

Yes No If yes, please give details.

Exhibits referred to on this page (by assigned letter e.g. "A")

Initials:

**Note:**

If you don't have any information to add into one or more of these boxes, it's ok to leave that box blank.

How has this violence, abuse or threats affected you and/or your children?

How did this make you feel?

Have there been any Police callouts or has the Respondent had a Police Safety Order issued against them in the past?

Yes No Don't know

If yes, please provide details such as date and what happened (if you can)

Does the Respondent have any convictions for violence against you, your family or anyone else?

Yes No Don't know

If yes, please provide details such as date and what happened (if you can)

Exhibits referred to on this page (by assigned letter e.g. "A")

Initials:

If you're making this application without notice, please describe why you fear for your immediate safety and how a delay in getting the Protection Order might put you or your children in any danger.

If you have asked for "Special Conditions", please describe the reasons for these.

If you have named anyone else that needs protection (other than your children living with you) please explain why and what has happened to them.

Exhibits referred to on this page (by assigned letter e.g. "A")

Initials:

Tell us why you also need to be protected from other Associated Respondents?

For example, how is the Respondent encouraging/has encouraged the Associated Respondent to take violent or threatening action against you (or your children)? What action has the Associated Respondent taken against you (or your children)?

Signature

Signed

Sworn or Affirmed at *(place)*

on this *(date)*

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

Before me

(Signature of Registrar/Deputy Registrar, or Justice of the Peace or a solicitor of the High Court of New Zealand)



Important:

You need to complete this page and sign in front of either a Registrar/Deputy Registrar, or Justice of the Peace or a solicitor of the High Court of New Zealand. That person is your witness. Once it's signed by the witness, you then hand the application, affidavit and any other documents in at your nearest Court.

Exhibits referred to on this page (by assigned letter e.g. "A")

Initials: