

Changing the way I serve divorce papers

WITHOUT NOTICE INTERLOCUTORY APPLICATION
FOR SUBSTITUTED SERVICE (G21) AND AFFIDAVIT

When to use this form

Use this form when you're applying for a divorce (*dissolution of marriage or civil union*) and the divorce documents can't be given onto the other person in the normal way (*personally handed to your spouse or partner by someone other than you*).

When you file your application for a divorce, the court gives you documents that have to be given ('served') to the other person. Normally divorce documents have to be personally handed to the other person (not posted), and they must be handed over by someone other than you. Sometimes the documents can't be given to the other person in this way, because you don't know where the other person is or it's not possible to hand them over in person.

Use this form when you need to give the other person the divorce documents in a different way (such as emailing the documents) or not give them the documents at all.

Getting more information

If you need help filling in this form please call 0800 COURTS (0800 268 787), go to your local court, email cpudissolutions@justice.govt.nz or visit justice.govt.nz/family-justice

Sending in your application

You will need to print out this form to sign it at step 5.

It must be signed in front of a registrar at your local court, a lawyer or a justice of the peace.

After you've signed it, post this form to:

Central Processing Unit
Ministry of Justice
DX SX10042
Wellington
New Zealand

Step 1 Give us your details

Full name _____

Occupation _____

Address _____

Lawyer's contact details

If a lawyer is filling in this application for you, please give us their details.

Lawyer's name _____

Lawyer's firm _____

Phone _____

Email _____

Address _____

Step 2 Give us the divorce case details

Family Court case number (if known). FAM: _____

Full name of the other person (your spouse or partner)

IF YOU DON'T KNOW WHERE THE OTHER PERSON IS, YOU NEED TO TRY AND FIND THEM. YOU SHOULD TRY THE 3 WAYS LISTED BELOW AND ANY OTHERS YOU CAN THINK OF. TELL US WHAT YOU'VE DONE.

Check the phone book. You can do this online at whitepages.co.nz

Tell us when you did this and what the results were.

Check the electoral roll. You can check your region's roll at your local PostShop and library.

Tell us when you did this and what the results were.

Contact the other person's family and friends.

Tell us who you contacted, when you contacted them, and what they said – or why you didn't contact anyone.

Try to contact the other person (or find their address) in other ways.

Tell us how you tried to contact or find the other person (eg searched Facebook and LinkedIn), when you did this and what the results were.

Step 4 **Tell us how you want to give the documents to the other person**

Tell us how you intend to give the documents to the other person.

Tell us why you think this is the best way for them to get the documents. Choose 1 option.

I want to put an advert in a nationwide newspaper (announcing that I'm applying for divorce).

You will have to organise and pay for this. Tell us why you want to use newspaper advertising and what newspaper you'll advertise in, such as 'I want to advertise in the NZ Herald, because I don't have any idea where in NZ my ex Sarah is'.

I want to email the documents to the other person.

Their current email address is: _____

I have attached proof that their account is valid and active.

(Such as a dated email from them.)

Tell us why you want to use email, such as 'I don't know where my ex David lives. I don't have any other way of contacting David except email'.

I want to give the other person the documents through a private Facebook message.

Their Facebook account name is: _____

I have attached proof that their account is valid and active.

(Such as a screenshot of the account with the date on your computer visible.)

Tell us why you want to use Facebook, such as 'I don't know where my ex Sarah lives. I don't have any other way of contacting Sarah except Facebook'.

- I want to give the documents to a someone who knows the other person (such as a friend, family member or work colleague). They can pass on the documents to the other person.**

Friend or family member's name _____

Friend or family member's address:

Friend or family member's relationship to the other person:

Tell us why you want to use a friend or family member, such as 'Paul, my ex David's brother, won't tell me David's address, but Paul has agreed to tell David about the divorce'.

- I want to give the other person the documents (or bring my divorce application to their attention) using a way not listed above**

Tell us what you intend to do and why this is the best way, such as 'My ex Sarah lives overseas. I have Sarah's overseas address but I can't afford to hire a professional document server. I want to send Sarah the documents using a track & trace courier.'

- I want to skip giving the other person the documents ('dispense with service').**

Tell us why you want to skip giving the other person the documents. Show us that you've made every possible attempt to find the other person and get the documents to them. For example:

- 'My ex David lives overseas. I don't have David's address (just a phone number), so I can't use a professional document server. I've tried to get David's other contact information through the phonebook, electoral roll, social media (Facebook, LinkedIn) and by contacting David's family and friends.'
- 'I don't have any contact details for my ex Sarah. I've checked the phonebook, electoral role, social media (Facebook, LinkedIn). I've also contacted Sarah's family, friends and past employers.'

Step 5 Sign this form in front of an official

You must complete this step in front of a registrar of the court, a lawyer, a justice of the peace or a person who can administer oaths or affirmations. You are liable to be charged if you knowingly swear or affirm a false affidavit or give false evidence.

'I _____ of _____
Full name Address or occupation

swear/solemnly and sincerely affirm that all information I have provided in this application is correct.'

Affirmation section:

Sworn (or affirmed) at _____
Location

On this _____ of _____ 20_____
Day Month Year

Signature of applicant _____

Signature of person administering affirmation _____

Authorised person must be a registrar of the court, a justice of the peace, a lawyer, or other person who can administer oaths or affirmations.

Step 6 Do a quick check

Before sending in your application:

- Check you have filled in steps 1 and 2.
- For step 3, check that you've ticked either *'I know where the other person is, but the documents can't be passed on by hand'* or *'I don't know where the other person is'*. If you've ticked *'I don't know where the other person is'*, you must show that you've tried as many ways as possible to contact the other person or get their address.
- For step 4, check that you've chosen 1 option for giving the other person the documents (or notifying them that you're applying for a divorce).
- Step 5 must be signed in front of a court official, justice of the peace or lawyer.

If you have any questions call 0800 COURTS (0800 268 787), go to your local court, email cpudissolutions@justice.govt.nz or visit justice.govt.nz/family-justice

Step 7 **Send in your application**

Post this form to **Central Processing Unit**
Ministry of Justice
DX SX10042
Wellington
New Zealand

What happens next?

We'll look through your application - especially checking that you've made all possible effort to find the other person and give them the divorce documents in the normal way (handed over by a person other than you).

- If your application isn't accepted, you will be told why.
- If your application is accepted, you will be sent a letter telling you what to do next (such as what steps to take if you're putting a advert in a newspaper).