



Change or remove a Harmful Digital Communications Order

R26 HARMFUL DIGITAL COMMUNICATIONS RULES 2016

When to use this form

You can apply to change or discharge a harmful digital communications order or interim order if you have one in place or if one is in place against you.

This form can be filled in by you or a representative who can say why you want to change or remove a harmful digital communications order that is in place.

Get help to fill in this form

If you need help to fill in this form you can:

- call **0800 COURTS (0800 268 787)**
- email or visit your **local district court**. District courts are open from 9am to 5pm from Monday to Friday. You can find your local court at justice.govt.nz/contact-us/find-us/
- talk to a lawyer

Step 1 Who is applying?

- I am the applicant who applied for the harmful digital communications order.
You can apply to change ('variation') the conditions of an order, extend or reduce its length or have it cancelled ('discharged')
- I am the defendant.
You can apply to change ('variation') the conditions of an order, extend or reduce its length or have it cancelled ('discharged')

CIV number _____

This is on the harmful digital communications order that was issued to you.

Step 2 Give us the case details

Please provide as much information as you can in this section about yourself and the other person. If you do not know their address details, please give us any information that might help us in finding out the other person's address (such as an old address, their place of work, contact number or email address).

Applicant's details

Tick if the applicants identity was not released or address was made confidential

Full name

Residential
Address

Phone

Email

Lawyers contact details

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

Lawyer's
name

Lawyer's
firm

Address

Phone

Email

Defendants details

Full name

Residential
Address

Phone

Email

Lawyers contact details

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

Lawyer's
name

Lawyer's
Firm

Address

Phone

Email

Step 3 Tell us about your application

Type of application

Most applications will be processed as 'on notice', which gives the defendant a chance to respond. If your application is urgent, for example in cases of ongoing serious emotional distress, your application can be processed 'without notice', where the defendant doesn't have a chance to respond unless the court says otherwise.

This application is on notice without notice

What orders do you want the court to change or remove

Tick which orders are you applying for the court to make

- a) change the duration of your order
- b) change the conditions of your order
- c) remove the order

To support your application please provide details of what you want the court to do and a short summary for why you want an order changed or removed. For example, you could be applying to change the duration of your order because you need more time. Please keep this brief.

Step 4 Tell us why you want to change or remove an order

For this step you will need to provide an 'affidavit'. An affidavit contains the written evidence that you want to present, so you will need to swear or affirm that what you write is true. (To swear is to make a religious promise; to affirm is to make a non-religious promise.) You can do this at your local District or High Court (court registrar) or with a Justice of the Peace or lawyer.

Who can make an affidavit?

An affidavit can be written by you or another representative who has knowledge of the relevant facts and contains enough information for the court to consider if a harmful digital communications order should change or be removed.



You can include more than one affidavit – just copy the following pages as many times as you need. If you need more room you can also attach extra pages

Will the defendant see this affidavit?

If your application is filed 'on notice', then the defendant and any other people you want the harmful digital communications order to cover, will see your affidavit.

If your application is filed 'without notice', then the defendant and any other people you want the harmful digital communications order to cover, will not see your affidavit. You will need to provide reasons in your affidavit for why you are making a without notice application.

Supporting documents

If you have any supporting documents ('exhibits'), they can be attached to this affidavit. An example would be evidence of the communication e.g. emails or text's.

Take the original documents and copies with you when you go to swear or affirm your affidavit. A Deputy Registrar of a court, Justice of the Peace or lawyer will check that the copy matches the original and then sign the copy.



Attach the signed copy to your affidavit

Signature
(Sign here when you go to get this affidavit sworn/affirmed)

Date

Oath or Affirmation section: *to be filled in by a Deputy Registrar, Lawyer or Justice of the Peace*

I am a Deputy/Registrar Lawyer Justice of the Peace

Full name _____

Sworn/affirmed at (location) _____

I confirm that the applicant swears/affirms that what they say in this affidavit is true.

Signature

Date

Step 4 Sign and date the form

Signature

Date

Step 5 Do a quick check

Before sending in this application:

- Provided enough information in Steps 2 and 3
- Supporting documents you've attached to the affidavit are clearly labelled
-  Your affidavit is signed by both the person making the affidavit and a Deputy Registrar, lawyer or justice of the peace.
- Sufficient copies have been provided to the court for service

Step 6 Send in your application to your local District Court

You may deliver or send your application in the following ways:

1. Hand your application
2. Send your application by post
3. Email your application to your local district court

If you hand-in or post your application, please give us a copy for every person the application involves.

Contact details for your local court can be found on the Ministry of Justice Website at justice.govt.nz/contact-us/find-us/ or in the blue government pages at the front of the phonebook

What happens next?

A Registrar or Judge will look at your application.

- If they don't accept your application you will be told why
- If your 'on notice' application is accepted, you will receive a letter or email to confirm a hearing date and time for the application. You will be able to speak in person about your application and the defendant will also get a chance to speak. If you have a lawyer, they can come with you or attend on your behalf. The judge will then decide if the orders should be granted.
- If your 'without notice' application is accepted, the judge will decide, without hearing from the defendant, if one or more of the orders should be granted. You will be sent a letter or email with their decision.

Office use only

District Court

CIV number