

# TO SUBPOENA A WITNESS

## Rule 3 (1)

### Step 1

COMPLETE the SUBPOENA. To complete the form, use a typewriter or print clearly. Be sure that all copies are readable.



### Step 2

SERVE the witness with the subpoena at least 2 days before the witness is required to appear (unless a Judge has ordered otherwise). The purpose of service is to make sure the witness knows that he or she is required to come to court. You do not have to file the subpoena with the court before serving it.

When you serve the subpoena, you must provide the witness with the sum shown on your subpoena as the amount of reasonable estimated travelling expenses to enable the witness to come to court.

If the witness refuses to accept the subpoena, simply drop the subpoena in front of him or her. Tell the witness that he or she has been served, then leave.



The witness must appear on the date set unless a Judge, on application by the witness, has cancelled the subpoena. If a witness does not appear and you still require that witness' evidence, the Judge may issue a warrant for the arrest of the witness, but you must prove that the witness was served and that reasonable travelling expenses were offered to the witness. To do this, you will need to file with the court registry a CERTIFICATE OF SERVICE (Form 9) as well as the original of the subpoena.

How to complete this form

**COURT FILE NUMBER:**

Copy the court file number and the court location from the application.



**THE PARENT(S)**

The parent(s) name(s) will appear on the court list posted in the courthouse on the date when the application is heard.



**SUBPOENAED BY:**

Print your name and address here to show the witness who is requiring their attendance.



# SUBPOENA

## Form 4

In the Provincial Court of British Columbia  
Under the *Child, Family and Community Service Act*

Court File Number:
Court Location:

### THE CHILD:

This is the name and birthdate of each child involved.

<b>In the matter of the child(ren):</b>	
Name(s)	Date(s) of Birth (mo/day/yr)
_____	_____
_____	_____
_____	_____

### THE PARENT(S):

This is the name(s) of the parent(s) of the children listed above.

<b>The parent(s) of the child(ren) is/are:</b>
Name(s)
_____
_____

### TO:

This is the name and address of the witness who must attend court.

<b>To:</b>		
Name	_____	
Address	City	B.C.
Postal Code	Phone	_____

You have been subpoenaed as a witness by

_____
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and you must appear in court

### COURT DATE:

This is the date, time and place of the hearing the witness must attend.

<b>On:</b>	Date	_____	at	Time	_____	<input type="checkbox"/> am	<input type="checkbox"/> pm
<b>at:</b>	Address	_____	City	_____	B.C.	Postal Code	_____

### RECORDS TO BRING:

If there are items listed here, the witness must bring them to court.

<b>You must bring the following records and other things to court:</b>
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

### What happens if you do not attend?

A judge may issue a warrant for your arrest.

### CANCELLING A SUBPOENA:

Rule 3(4) tells how a subpoena may be cancelled.

### Can the subpoena be cancelled?

If you believe that you are not needed as a witness or it would be a hardship for you to attend court, you may ask a judge to cancel the subpoena.

### TRAVELLING EXPENSES:

Rule 3(2) requires a person serving a subpoena to give the witness reasonable travelling expenses.

The amount of \$ _____ is attached for travelling expenses to enable you to come to the court.
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_____
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Signature of person issuing subpoena