

TO SUBPOENA A WITNESS

Rule 3 (1)

Step 1

COMPLETE the SUBPOENA. To complete the form, type or print clearly and firmly as there are 4 copies and they must be readable.



Step 2

SERVE the witness with the subpoena at least 7 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 about the requirement 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 them. Tell the witness that they have been served, then leave.



The witness must appear on the date set and in the method indicated unless a Judge, on application by the witness, has cancelled or varied the subpoena. If a witness does not attend 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 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.

COURT FILE NUMBER:

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



THE PARENT(S)/GUARDIAN(S)

The parent(s)/guardian(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, address and email, if applicable, here to show the witness who is requiring their attendance.



If you want the witness to bring or submit specific records or documents, list them here so the witness will know what is required.



If the court has ordered that the witness may attend by another method of attendance, you must include how the court ordered the witness to submit the documents.

The amount you provide for traveling expenses must be enough to enable the witness to get to court. The money must be delivered with the summons.



SUBPOENA Form 4

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

REGISTRY FILE NUMBER
REGISTRY LOCATION

THE CHILD(REN):
This is the name and birthdate of each child involved.

In the matter of the child(ren):	
Name(s)	Date(s) of Birth (mm/dd/yyyy)
_____	_____
_____	_____
_____	_____

THE PARENT(S)/ GUARDIAN(S):
This is the name(s) of the parent(s)/ guardian(s) of the children listed above.

The parent(s)/guardian(s) of the child(ren) is/are:
Name(s)

NOTICE TO:
This is the name, address (and phone, fax number and email address if applicable) of the witness you are requiring to attend court.

To:					
Name					
Address		City		B.C.	
Postal Code	Phone	Fax	Email		

You have been subpoenaed as a witness by _____
and you must appear in court

COURT DATE:
This is the date, time and method of attendance for the hearing.

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

<input type="checkbox"/> in person at	_____
	court location
<input type="checkbox"/> by another method of attendance, as specified	_____
	attendance details

RECORDS TO BRING:
If you want the witness to bring or submit to court any records or other things list them here.

If the court made an order that the witness attend in a way other than in person, include the terms of the order made by the judge.

You must bring the following records and other things to court:

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. You may also apply to a judge to change your method of attendance from what is listed on the summons.

TRAVELLING EXPENSES:
You must provide the witness with expenses related to their method of attendance at court.

\$ _____ is attached for reasonable expenses related to the method of your attendance at court.

_____	_____
Date	Signature of person issuing subpoena