

Subpoena

Form 14 Family Law Rules ~ RULE 15.17(2)

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any question/s.

Filed in:

- Family Court of Australia
 Family Court of Western Australia
 Other (specify) _____

Filed on behalf of:

Full name: _____

MARK [X] IN THE BOX THAT APPLIES TO YOU

- Applicant
 Respondent
 Other (specify) _____

COURT USE ONLY

Client ID _____

File number _____

Filed at _____

Filed on _____

Court location _____

Court date _____

Time _____

Important Notice

TO

NAME/DESCRIPTION OF OFFICE OR POSITION

Address

State

Postcode

You are ordered to attend Court to:

- give evidence only – see Part C
 give evidence and produce documents – see Part D
 produce documents only – see Part E

You must continue to attend from day to day unless excused by the Court or a registrar or until the hearing of this case is completed.

If you fail to obey this subpoena a warrant may issue for your arrest and you may be liable to pay any costs resulting from your failure to comply. You may also be subject to other orders, including penalties in some circumstances, if an application is brought against you for failing to obey this subpoena.

If you seek to set aside the subpoena or object to the production of any of the documents sought or seek any other orders including costs, see Rule 15.26.

If you object to the inspection or copying of any of the documents sought see Rule 15.31.

Dated: ____/____/____

Registrar: _____

Part A About the parties to the case

1 APPLICANT 1

Family name as used now

Given names

APPLICANT 2

Family name as used now

Given names

APPLICANT

- 2 Contact address (address for service) in Australia. If you give a lawyer's address, include the name of the law firm.

State	Postcode
Phone	Fax *
DX	
Lawyer's code	
Email *	

RESPONDENT 1

Family name as used now

Given names

RESPONDENT 2

Family name as used now

Given names

RESPONDENT

- Contact address (address for service) in Australia. If you give a lawyer's address, include the name of the law firm.

State	Postcode
Phone	Fax *
DX	
Lawyer's code	
Email *	

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

Notice to the person named in the subpoena

- Do not send subpoenaed documents to the above addresses. Subpoenaed documents must be produced to the Court.

Part B About the independent children's lawyer [if appointed]

- 3 Independent children's lawyer family name Given names

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CONTINUED ON PAGE 3

- 4 The contact address (address for service) in Australia for the independent children's lawyer is:

	State	Postcode
Phone	Fax*	
DX	Email*	
Lawyer's code		

* Please do not include email or fax addresses unless you are willing to receive documents from the Court and other parties in that way.

Part C Subpoena to give evidence only

- 5 You must attend Court to give evidence as follows:

PLACE

	/ /	AM PM
DAY/MONTH/YEAR		TIME

Part D Subpoena to give evidence and produce documents

- 6 You must attend Court to give evidence and produce documents as follows:

PLACE

	/ /	AM PM
DAY/MONTH/YEAR		TIME

- 7 The documents you must produce from your possession, custody or control when you attend Court are listed in the Schedule to this Subpoena.

Part E Subpoena to produce documents only

- 8 You must produce documents as follows:

PLACE

	/ /	AM PM
DAY/MONTH/YEAR		TIME

- 9 The documents you must produce from your possession, custody or control are listed in the Schedule to this Subpoena.

NOTE:

- Instead of attending Court you may post or deliver the documents listed in the attached Schedule to the Principal Registrar of the Court at least 2 days before the date above (see Rule 15.29(1)(b)). You still need to attend court if you are required to give evidence.
- The parties to the case and any independent children's lawyer may be entitled to inspect and copy the documents you have posted or delivered (see Rules 15.30 and 15.32).
- If you object to the production of the documents or a person inspecting and/or copying the documents, you must complete, file and serve Part F of this form and you must attend Court on the date specified at Item 8 (see Rule 15.31).
- If you do not require the return of the documents produced, you should authorise the Principal Registrar to destroy them. You do this by completing the notice on page 5 of the brochure *Subpoena – Information for people served* that was served on you with this subpoena and attach it with the documents produced.

Part F Notice of objection - subpoena

This notice can be used by the person named in the subpoena or a person affected by the subpoena.

THE PERSON FILING THIS NOTICE MUST ATTEND COURT.

TO The Principal Registrar at:

AND TO

The party requesting this subpoena and all other parties including any independent children's lawyer.

I (INSERT FULL NAME)

am the person named in the **attached subpoena** to produce documents for the hearing or trial of this case.

or

I (INSERT FULL NAME)

have been served with the **attached subpoena** directed to

(INSERT THE FULL NAME OF THE PERSON NAMED IN THE SUBPOENA)

requiring that person to produce documents for the hearing or trial of this case.

I give notice that I (MARK [X] THE BOX THAT APPLIES)

object to the production of some or all of the documents to the Court

object to the inspection/copying of some or all of the documents produced

for the following reasons:

1.
2.

NOTE: The filing of this notice operates as a stay on the operation of a person's rights to inspect and copy a document produced under the subpoena (see Rule 15.31(3)).

Dated: ____/____/____

Signature: _____

TO BE COMPLETED BY THE PERSON FILING THIS NOTICE

File number _____

Court date _____

Filed at

Filed on

Court location