

# Subpoena

Form 14 Family Court Rules – Rules 246 and 530

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 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

File number \_\_\_\_\_

Filed at \_\_\_\_\_

Filed on \_\_\_\_\_

Court location \_\_\_\_\_

Court or Production 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
- attend court to give evidence and produce documents – see Part D
- produce documents to the court only – see Part E

If you are ordered to attend court, 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, or if you object to the inspection or copying of any of the documents sought, please see the brochure *Subpoena – Information for people who have been served with a subpoena* that was served on you with this subpoena and the Family Court of Western Australia website:

[www.familycourt.wa.gov.au](http://www.familycourt.wa.gov.au)

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.

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

- 3 Independent children's lawyer family name                      Given names

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- 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

Documents are to be produced on or before 4pm on		/ /
DAY/MONTH/YEAR		

### Notice to the person named in the subpoena

- Do not send subpoenaed documents to any party. Subpoenaed documents must be produced to the Court.

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

#### NOTE:

- You may post or deliver the documents listed in the attached Schedule to the Principal Registrar of the Court provided they are received on or before the date above. 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 automatically entitled to inspect and copy the documents you have posted or delivered. See the Additional Notes.
- If you object to the production of the documents or a person inspecting and/or copying the documents, you must complete and file in the Court Part F of this form before the date above. You should then serve the Part F Notice on each party to the proceedings. You will be advised of a date to attend Court when your objection will be heard and determined.
- 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 from named person* on page 5 of the brochure *Subpoena – Information for people who have been served with a subpoena* that was served on you with this subpoena, and attach it to 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 WILL BE REQUIRED TO ATTEND COURT TO HAVE THEIR OBJECTION HEARD AND DETERMINED**

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.

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.

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.

Dated: \_\_\_\_/\_\_\_\_/\_\_\_\_

Signature: \_\_\_\_\_

**TO BE COMPLETED BY THE PERSON FILING THIS NOTICE**

File number \_\_\_\_\_

Court/Production date \_\_\_\_\_

Filed at

Filed on

Court location

## **ADDITIONAL NOTES**

### **OBJECTIONS TO PRODUCTION, INSPECTION OR COPYING DOCUMENTS**

The person required by this subpoena to produce documents or things (the named person) may object to the production by completing and filing the attached Part F Notice of objection - subpoena before the production date. The Part F will also need to be served on each of the parties to the proceedings. The named person and all parties will be advised of a hearing date where the court will hear and determine the objection.

If a party, interested person or independent children's lawyer objects to the inspection or copying of a document described in this subpoena, they should complete, file and serve the attached Part F Notice of objection - subpoena before the production date. The parties will be advised of a hearing date where the court will hear and determine the objection.

### **AUTOMATIC RIGHT TO INSPECT AND COPY DOCUMENTS**

If no objection to the documents being produced, inspected or copied is received by the Court by the production date, **the parties and the Independent Children's Lawyer have an automatic right to inspect and copy the documents (other than medical records, police records, criminal records and child welfare documents).**

### **MEDICAL RECORDS**

If a subpoena seeks the production of the medical records of a party, that party has the right to inspect the documents produced before anyone else to determine if they want to object to them being inspected. That party must give written notice to the Registry on or before the production date of their request to inspect. They will be allowed to inspect the documents. If that party then objects to the inspection or copying of a document by any other party, s/he must then file and serve the Part F Notice of objection within 7 days of the production date, or otherwise **the other parties and the Independent Children's Lawyer have an automatic right to inspect the documents.**

### **REMOVAL OF CONFIDENTIAL INFORMATION**

If a party wants the opportunity to inspect the documents produced before any other party to determine if any information contained in the documents should be redacted/removed (for example their confidential address), then they will need to file and serve the Part F Notice of objection before the production date or otherwise **the other parties and the Independent Children's Lawyer have an automatic right to inspect the documents.**