

**IN THE CHILDREN'S COURT  
OF NEW SOUTH WALES  
AT**

**CASE NUMBER**

## **Subpoena**

### **Children or young persons**

Name

### **Issuing details**

Issued at request of

Name of legal practitioner  
(if applicable)

Contact details

Proposed access order sought  
in relation to document or  
things sought to be produced  
under subpoena

Date issued

Registrar

### **Order to the witness**

Name of witness

Address

#### **You are ordered**

- \* To attend court to give evidence – see section A of this form.
- \* To produce this subpoena or a copy of it and a copy of the things specified in the schedule to the court – see section B of this form.
- \* To attend and give evidence and to produce this subpoena or a copy of it and the documents or things specified in the schedule – see section C of this form.

[Select only one of these three options]

Failure to comply with this subpoena without lawful excuse is a contempt of court and may result in your arrest.

The last day for service of this subpoena is (insert date)

Please read notes 1 to 13 at the end of this subpoena.

**A. Details of subpoena to attend to give evidence**

Date, time and place at which you must attend to give evidence:

Date

Time

Place

You must continue to attend from day to day

- unless excused by the court or the person authorised to take evidence in the proceedings, or
- until the hearing of the proceedings are completed.

**B. Details of subpoena to produce**

You must comply with this subpoena:

- By attending to produce this subpoena or a copy of it and the document or things specified in the Schedule below to the address below at the time, date and place specified for production, or
- By delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to the address below so that they are received not less than 2 clear days before the date specified for production.

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things:

Date

Time

Place

Email

**C. Details of subpoena both to attend to give evidence and to produce**

In so far as you are required by this subpoena to attend to give evidence, you must attend as follows:

Date

Time

Place

You must continue to attend from day to day

- unless excused by the court or the person authorised to take evidence in the proceedings, or
- until the hearing of the proceedings are completed.

In so far as you are required by this subpoena to produce the subpoena or a copy of it and documents or things, you must comply with this subpoena:

- By attending to produce this subpoena or a copy of it and the document or things specified in the Schedule below to the address below at the time, date and place specified for attendance and production, or
- By delivering or sending this subpoena or a copy of it and the documents or things specified in the Schedule below to the address below so that they are received not less than 2 clear days before the date specified for attendance and production.

Date, time and place at which you must attend to produce the subpoena or a copy of it and documents or things:

Date

Time

Place

Email

## **SCHEDULE**

The documents or things you must produce are as follows

[List the documents or things. Attach another sheet if there is insufficient space.]

## NOTES

### **Last day for service**

1. You need not comply with the subpoena unless it is served on you on or before the date specified in the subpoena as the last date for serving the subpoena.

### **Informal service**

2. Even if this subpoena has not been served personally on you in accordance with the rules, you must, nevertheless, comply with its requirements, if you have, by the last date for service of the subpoena, actual knowledge of the subpoena and of its requirements.

### **Addressee a corporation**

3. If the subpoena is addressed to a corporation, the corporation must comply with the subpoena by its appropriate or proper officer.

### **Conduct money**

4. You need not comply with the subpoena in so far as it requires you to attend to give evidence unless conduct money sufficient to meet your reasonable expenses of attending as required by the subpoena is handed or tendered to you a reasonable time before the date on which your attendance is required.

### **Production of subpoena or copy of it and documents or things by delivery or post**

5. In so far as this subpoena requires production of the subpoena or a copy of it and a document or thing, instead of attending to produce the subpoena or a copy of it and the document or thing, you may comply with the subpoena by delivering or sending the subpoena or a copy of it and the document or thing to the address specified in the subpoena for the purpose so that they are received not less than 2 clear days before the date specified in the subpoena for attendance and production.
6. If you object to a document or thing produced in response to this subpoena being inspected at all or the terms of access sought by a party to the proceeding or any other person, you must, at the time of production, notify the registrar in writing of your objection and of the grounds of your objection.
7. Unless the court otherwise orders, if you do not object to a document or thing produced by you in response to the subpoena being inspected by any party to the proceeding, the court may permit the parties to the proceeding to inspect the document or thing or grant access to a party to the proceedings as the court thinks fit.

### **Production of copy instead of original**

8. You may produce a copy of a document, instead of the original document unless it is clear in the schedule of documents that the original documents are required to be produced.

### **Return or destruction of documents or copies**

9. If you have produced copies of documents and the documents are not admitted into evidence during the course of proceedings, the documents will be securely

destroyed by the registrar 42 days after the conclusion of the proceedings unless you have clearly indicated in writing at the time of production that you do not wish the documents to be destroyed.

10. Original documents produced on subpoena and not admitted into evidence during the course of the proceedings will be returned to you at the conclusion of the proceedings.
11. Original documents produced on subpoena and admitted into evidence during the course of the proceedings will be returned to you on request at the conclusion of the proceedings on the understanding that the documents may be required in future proceedings and should not be destroyed.

### **Applications in relation to subpoena**

12. You have the right to apply to the Court:
  - a. for an order setting aside the subpoena (or a part of it) or for relief in respect of the subpoena, and
  - b. for an order with respect to your claim for privilege, public interest immunity or confidentiality in relation to any document or thing the subject of the subpoena.

### **Failure to Comply - Arrest**

13. If you fail to comply with the subpoena the court may issue a warrant for your arrest.

## **REGISTRY ADDRESS**

Street address

Postal address

Email address

Telephone