

FORM 41

WITNESS SUMMONS TO ATTEND TO GIVE EVIDENCE

Rule 9(1)(a)

Children, Youth and Families Act 2005

Court Reference

To the witness

[name]

Gender

Address

DETAILS OF THE CASE

Name of child

Venue

Type of hearing:

- Protection application
- Irreconcilable differences application
- Intervention order proceeding
- Other

[specify]

Name of applicant

Agency and address

Email address

Phone

If this witness summons relates to an intervention order proceeding:

Name of respondent

Name of affected family member or protected person

WITNESS SUMMONS TO ATTEND TO GIVE EVIDENCE

YOU ARE ORDERED to attend to give evidence: see below for details.

Failure to comply with this witness summons without lawful excuse is a contempt of court and may be dealt with accordingly.

You should read all of the Notes set out at the end of this witness summons.

This witness summons must be served a reasonable time before the return date (See Note 1).

Issued at:

Date:

Issued by:

*Registrar/*Judge/*Magistrate

[Seal of the Court]

Issued at the request of whose address for service is:

Place

Email

DETAILS OF WITNESS SUMMONS

You are required by this witness summons to attend to give evidence and you must attend as follows unless you receive notice of a later date or time from the issuing party, in which case the later date or time is substituted.

Date:

Time:

Place: Children’s Court of Victoria at

You must continue to attend from day to day unless excused by the Court or the person authorised to take evidence in this proceeding or until the hearing of the matter is completed.

NOTES

Last day for service

1. Subject to Note 2, you need not comply with the witness summons unless it is served on you a reasonable time before the date specified in the witness summons to attend to give evidence.

Service

2. This witness summons may be served—
 - (a) by delivering a true copy of the witness summons to you personally; or
 - (b) by leaving a true copy of the witness summons for you at your last or most usual place of residence or business with a person who apparently resides or works there and who apparently is not less than 16 years of age.

Addressee a corporation

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

Conduct money

4. You are excused from complying with the witness summons unless conduct money is given or tendered to you at the time of service of the witness summons or a reasonable time before the day on which your attendance is required.
5. However you are not entitled to conduct money if you will not reasonably incur any expenses in complying with the witness summons.

Applications in relation to witness summons

6. You have the right to apply to the Court for an order setting aside the witness summons (or a part of it) or for relief in respect of the witness summons.

Contempt of court

7. Failure to comply with a witness summons without lawful excuse is a contempt of court and may be dealt with accordingly.