

TO SUBPOENA A WITNESS

Rule 5 (1)

Step 1

COMPLETE the SUBPOENA. To complete the form, type or print clearly, 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 attach a copy of the subpoena you served.

COURT FILE NUMBER:

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



THE PARENT(S)/CARE PROVIDER(S)

The parent(s)/care provider(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

Snuw'uy'ulhtst tu Quw'utsun Mustimuhw u' tu Shhw'a'luqwa'a' i' Smun'eem

[Laws of the Cowichan People for Families and Children]

REGISTRY FILE NUMBER
REGISTRY LOCATION

THE SMUN'EEM:

This is the name and birthdate of each Smun'eem involved.

In the matter of the Smun'eem

Name(s)	Date(s) of Birth (mm/dd/yyyy)

THE PARENT(S)/ CARE PROVIDER(S):

This is the name(s) of the parent(s)/ care provider(s) of the Smun'eem listed above.

The parent(s)/care provider(s) of the Smun'eem 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	

in person at

court location

by another method of attendance, as specified

The registry will send within 24 hours before the hearing date noted above the link to connect by MS Teams, including a dial in conferencing number to be used by any party that is unable to use MS Teams or has problems with their video connection. If you have not provided your email address or telephone number to the registry on your Notice of Address for Service (Form 8), you must contact the registry to obtain the telephone conference or MS Teams conference information.

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 5(7) 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.

Signature of person issuing subpoena

Date

IMPORTANT INFORMATION ABOUT YOUR HEARING

What do parties need to know about attending by another method of attendance?

If your notice indicates that you are to attend by another method of attendance, parties, including the judge, will attend using the Microsoft Teams audio- and video-conferencing (video) platform. **Do not attend the courthouse in person.** Parties will receive remote appearance details within 24 hours prior to the appearance, this notification is sent to you by email. If you are unsure if your email address is current contact your local registry or complete and file [Form 8](#), Notice of Address for Service including your most recent information.

Microsoft Teams allows participants to join the conference using video or audio from a desktop, laptop, tablet, or smartphone, or to dial-in to a proceeding from a telephone. **If you are appearing by video**, please ensure that you have downloaded Microsoft Teams or have the latest version of Google Chrome or Microsoft Edge.

If you received this Notice by mail and intend to appear using video or audio from a desktop, laptop, tablet, or smartphone, and you did not provide an email address for service, please file an Notice of Address for Service ([Form 8](#)), with the court registry that includes your email address and the court registry will send you the MS Teams meeting invite within 24 hours prior to your appearance.

The link and dial up information may be shared with your lawyer if you have retained counsel; and with your client if you are counsel.

Please do not forward or share the MS Teams link or dial up information to any unauthorized parties.

Legal Aid BC - Family Law Legal Advice

If you do not have a lawyer for your family law matter, visit legalaid.bc.ca/family-court-notice to find out about **free in person and remote legal advice services** that you may be eligible for that can help you prepare for your court date. Contact the advice services at least three weeks before your court date or as soon as you receive this notice. If you are unable to access the internet, contact the Family Law LINE at 604-408-2172 in Greater Vancouver or 1-866-577-2525 elsewhere in BC.

Interpreter

The court provides interpreters for family proceedings in provincial court. If you require an interpreter, please advise the registry as soon as possible. This link includes all court locations (address and phone numbers): <https://www2.gov.bc.ca/gov/content/justice/courthouse-services/courthouse-locations>

Before the scheduled hearing date, please visit the Provincial Court website at <https://www.provincialcourt.bc.ca> and review:

- *Policy on Use of Electronic Devices in Courtrooms and Access to Court Proceedings Policy* (there is a general prohibition on the recording or broadcasting of court proceedings unless authorized by the Court and there are penalties for breach)
- *NP 21 Remote Attendance in the Provincial Court* (for etiquette and directions on connecting by another method of attendance) (counsel attendance requirements when attending Family matters remotely)
- *NP 24 Form of Address for Parties and Lawyers* (provide the judge or justice with each person's name, title (e.g. "Mr./ Ms./Mx./Counsel Jones") and pronouns to be used in the proceeding)
- *eNews - What to expect at a family management conference?*

If you are unable to dial-in or are dropped from the appearance immediately call the court registry.