

Rule 9(1)(a)

WITNESS SUMMONS TO ATTEND TO GIVE EVIDENCE

Children, Youth and Families Act 2005

Court Reference: _____

To the witness: _____

Gender: _____

Address _____

Details of the case

Name of Child: _____

Gender: _____ Date of Birth: _____

Type of hearing: _____

Venue: _____

*Protection application proceeding

*Irreconcilable difference application

*Intervention order proceeding

*Other [*specify*]:

Applicant's name: _____

Applicant's email: _____

Agency [*if applicable*]: _____

Applicant's [*or agency*]
address: _____

Applicant's phone: _____

The application for this summons was made by—

*Legal Representative

Name: _____

Email: _____

Agency/Firm: _____

Address: _____
Phone: _____
*Applicant

If this witness summons relates to an intervention order proceeding:

Name of respondent: _____

*Name of affected family member or protected person:

*Delete if not applicable

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).

Date of issue: _____

Registrar

[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 *[insert address the proceeding is listed to be heard 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.

Application 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.