

### **Rule E. Subpoenas**

In proceedings in the Domestic Violence Unit, neglect proceedings and in any other appropriate cases in which the Office of the Attorney General is petitioner's representative wherein the respondent can satisfactorily show that he or she is financially unable to pay the fees of a witness and that the presence of the witness is necessary to an adequate defense, the Court shall order that a subpoena be issued. Application may be made ex parte and if the Court orders the subpoena to be issued the costs incurred by the process and the fees of the witness so subpoenaed shall be paid in the same manner in which similar costs and fees are paid in case of a witness subpoenaed in behalf of the Office of the Attorney General.

### **COMMENT**

In both Domestic Violence Unit and neglect proceedings, the Office of the Attorney General is the petitioner's representative. Thus, even though there is a basic civil concept, provision should be made for payment of fees and costs in accordance with *Federal Rule of Criminal Procedure 17(b)*. As stated the rule may be applied as well to other appropriate cases wherein the Office of the Attorney General is petitioner's representative.