

New Civil Bench Warrant

People can ask the court to issue orders (warrants) to tell witnesses in civil cases that they must come to court.

You must use the attached civil bench warrant for ALL civil (limited and unlimited), small claims, and family law cases. Please do not prepare your own warrant, or use a different form.

If you have any questions about the applicable law, please refer to Code of Civil Procedure Section 1993.

Attorney or Party Without Attorney (Name, State Bar Number, Address):

FOR COURT USE ONLY

Telephone Number:
ATTORNEY FOR:

Superior Court of California, County of Contra Costa

- PITTSBURG** 1000 Center Drive, Pittsburg, CA 94565
- RICHMOND** 100 – 37th Street, Richmond 94805
- WALNUT CREEK** 640 Ygnacio Valley Road, Walnut Creek, CA 94596
- MARTINEZ (3 Locations)**
 - 725 Court St. Martinez, CA 94553
 - 751 Pine St., Martinez, CA 94553
 - 1020 Ward St., Martinez, CA 94553

PLAINTIFF(S) / PETITIONER(S):

VS.

DEFENDANT(S) / RESPONDENT(S):

CIVIL BENCH WARRANT

CASE NO: _____

- SMALL CLAIMS
- LIMITED - CIVIL
- UNLIMITED
- CIVIL / FAMILY LAW / PROBATE

TO ANY SHERIFF, CONSTABLE, OR MARSHAL WITHIN THE STATE OF CALIFORNIA,

YOU ARE COMMANDED TO ARREST (Name): _____

and bring him/her before this Court, or the nearest court if in session, for the setting of bail in the amount of the warrant or to release on the person's own recognizance. *Any person so arrested shall be released from custody if he/she cannot be brought before the court within 12 hours of arrest, and the person shall not be arrested if the court will not be in session during the 12-hour period following the arrest.*

Physical Description and Address of Person to be Arrested:

Sex []M []F Height: _____ Weight: _____ Hair Color: _____ Eye Color: _____
Race: _____ Age: _____ Date of Birth: _____ Other: _____

The last known address of the person to be arrested is:

COURT USE ONLY

URGENCY FINDING:

[] **The Court finds that urgency and materiality** dictate the person's immediate presence in court which precludes the use of the promise to appear process as provided in CCP §1993(b)(11).

Notice for Failure to Appear pursuant to a subpoena was not issued due to the urgency of the person's immediate presence. [CCP §1993(a)(2)].

[] **The Court makes no finding as to the urgency and materiality:** therefore, this person may be released upon a promise to appear.

REASON FOR ARREST:

[] Failing to appear on (date) ___/___/___, pursuant to the subpoena or court order, served on (date) ___/___/___.

[] Failing to appear on (date) ___/___/___ for order of examination:
 CCP §491.160(a)(1)(A) CCP §708.170(a)(1)(A)

[] Failing to appear on (date) ___/___/___, after having been served with an Order to Show Cause regularly issued by this Court, and having disobeyed the order of this Court on (date) ___/___/___.

[] CCP §1209 party served on (date): ___/___/___.

[] Failure of witness to attend hearing (CCP§1993) on (date): ___/___/___ served on (date): ___/___/___.

[] Approved for nighttime service if good cause is shown as provided in Penal Code §840, for the following reason(s):
_____.

[] Bail is set in the amount of \$_____.

[] No Bail is set.

This warrant shall expire on: _____(date). (CCP §1993(b)(8)).

This warrant does not have an expiration date as determined by this Court. (CCP §1209) (Court Seal)

Issued on (date): _____

Judge of the Superior Court Commissioner of the Superior Court

FOR COURT / AGENCY USE

INFORMATION TO SET APPEARANCE DATE WHEN BAIL POSTED:

Upon admission of bail, set appearance date on _____ (excluding holidays).
(COURT to designate weekday)

AGENCY: Please allow enough time for receipt of both warrant and bail by this Court before appearance date.

DATE: _____ **TIME:** _____ **LOCATION:** See court address checked **DEPT:** _____
(AGENCY to set date) (COURT to designate time) on page 1 of this form.

RETURN OF PEACE OFFICER

I certify that I received the above bench warrant and that I served the same by arresting the above named person on

(DATE)

(Check
Applicable
Box)

and bringing him/her before a judge of the _____ Court
on _____ in the County of _____
(DATE)

Cash bail of \$ _____ was given by _____,
whose address is _____.

The above named person was notified to appear in this court _____
(DEPT NO., IF ANY)

on _____ at _____ m.
(DATE) (TIME)

NAME OF OFFICER

TITLE OF OFFICER

By _____
DEPUTY

CERTIFICATE OF A MAGISTRATE OF ANOTHER COURT

I certify that the defendant named in the above bench warrant was brought before me on this date and I ordered that he/she be admitted to bail in the amount stated in the warrant.

Bail of \$ _____ having been posted by _____
(CASH/TREASURY BOND/SURETY BOND)
_____, whose address is _____

(Check
Applicable
Box)

the defendant was ordered to appear in the court which issued the warrant on _____
(DATE)
_____, and is ordered released.
(TIME)

Bail not having been posted the defendant is remanded to the custody of the _____
_____ for appearance in the court which issued the
warrant on _____
(DATE) (TIME)

Dated: _____

JUDGE OF THE SUPERIOR COURT

COUNTY

ADDRESS OF COURT