

EXPEDITED CHILD SUPPORT PROCESS INSTRUCTIONS FOR SUBPOENA REQUEST

Who May Use This Form?

A party who wants a person to appear as a witness at an Expedited Child Support hearing may demand that person's appearance by serving a subpoena upon that person. A party who needs to obtain certain documents that may help to support that party's case may demand the production of that document by obtaining a subpoena and having it served upon the person or company that has the document. You must have initiated some type of action or have a scheduled hearing date in order to subpoena a person to appear at a hearing or to produce documents.

How Do I Make A Request For A Subpoena?

1. Fill out the Subpoena Request form completely. Court personnel, the county attorney's office, or the child support agency cannot help you fill out these forms.
2. Copy the names of the parties in the exact same order as they appear on your current child support order or your divorce or paternity decree. If you are the Petitioner/Plaintiff in the current order or decree you will be the Petitioner/Plaintiff in this request. If you are the Respondent/Defendant in the current order or decree you will be the Respondent/Defendant in this request.
3. Indicate how many subpoenas you are requesting. You will need to fill out a separate subpoena for each witness. You may use the same subpoena form to subpoena a witness and documents if that witness is the person or entity who has possession of the documents.
4. You must specifically identify any documents requested, include the full name and home or business address of all persons to be subpoenaed, and specify the date, time, and place for responding to the subpoena.
5. Sign, date and print your name and address on the form. Detach this instruction sheet before filing the Subpoena Request form with court administration.

File The Subpoena Request Form

File the Subpoena Request form with court administration in the county where the hearing is to take place. Each subpoena costs \$16.00 and you must pay the court clerk for each subpoena requested. If you have an In Forma Pauperis Order on file with the court, you will not be required to pay the fee.

Complete the Subpoena

You will receive a signed and sealed blank subpoena from the court clerk. You must fill out the subpoena with all the necessary information before having it served. You must identify what documents you are requesting and from whom, include the full name and home or business address of the person to be subpoenaed, or, who you are requesting to appear as a witness at your child support hearing, and specify the date, time, and place for responding to the subpoena. The subpoenaed person does have the right to file with the court a request to quash the subpoena if the person feels the request is burdensome or unreasonable.

Service

The subpoena must be personally served on the person being subpoenaed. Anyone over the age of 18 who is not a party to the action may personally serve the subpoena. **You may not serve the subpoena.** You are also responsible for payment of any statutory fees for appearance and mileage reimbursement owed to the subpoenaed person. See Minn. Stat. § 357.22.

Proof of Service

The person who serves the subpoena shall provide proof of service by filing the original subpoena with the court, along with an affidavit of personal service.

Helpful materials may be found at your public county law library. For a directory, see <http://www.lawlibrary.state.mn.us/cllppubdir.rtf> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.