

INSTRUCTIONS

Asking for a Subpoena in the Expedited Child Support Process

[Minnesota General Rules of Practice](#): Rule 361.03

Important Notices and Resources

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have questions about court forms or instructions?

- Visit www.MNCourts.gov/SelfHelp
- Call the Statewide Self-Help Center at 651-435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit www.MNCourts.gov/Find-a-Lawyer.aspx

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp>. For more information, contact court administration or call the Minnesota State Law Library at 651-297-7651.

Forms You May Need to Ask the Court to Issue a Subpoena

- *Motion for Subpoena in the Expedited Child Support Process* (CSX1602);
- *Attachment to Motion – Additional Subpoenas* (CSX1602-Att) – if asking for more than 1 subpoena;
- *Affidavit in Support of Motion for Subpoena in the Expedited Child Support Process* (CSX1603); and
- Proof of Service (for example, the *Affidavit of Service by Electronic Means*, CSX101, or the *Affidavit of Service – Personal and by Mail*, CSX102).

Forms are available online at <https://mncourts.gov/GetForms.aspx?c=6#subcat12>.

General Information about Subpoenas

What Is a Subpoena?

A subpoena is a court order telling someone to:

- Appear at a court hearing;
- Attend a deposition; or
- Produce documents or records.

Only a court administrator or an attorney can issue a subpoena.

Why Would a Person Need a Subpoena?

- There may be a person that you would like to appear as a witness on your behalf at an Expedited Child Support hearing. If that person will not agree to be your witness, a subpoena will allow you to demand that person's appearance at the hearing.
- If you need to obtain certain documents that may help to support your case, a subpoena would allow you to demand those documents from the person or company that has them.

NOTE: You must have initiated some type of action or have a scheduled hearing date in order to file a motion asking the court to issue a subpoena.

Step 1

Fill Out the *Motion for Subpoena in the Expedited Child Support Process (CSX1602)*

The Caption

Look at other forms that have been filed in the case to get the information you will need to fill out the **caption** at the top of the first page.

- A. List the county where the case is located.
- B. List the Judicial District. Each county belongs in 1 of 10 judicial districts. If you need help, see <https://www.mncourts.gov/Find-Courts.aspx>.
- C. Include the court file number, if there is one (this usually starts with a two-digit number, followed by letters and numbers. For example, 88-FA-24-1234).
- D. List the case type.
- E. Fill in the name of each party as it is listed in the official case records. If your name is incorrect in any way, you can add "aka" (also known as) and then correct your name.

NOTE: If you are listed as the Petitioner in the case records, then you will still be the Petitioner. If you are listed as the Respondent, then you will still be the Respondent.

State of Minnesota		District Court	
County of: _____	A	Court File Number: _____	C
Judicial District: _____	B	Case Type: _____	D
_____ Petitioner AND _____ Respondent _____ Intervenor			
Motion for Subpoena in the Expedited Child Support Process (CSX1602) Minnesota General Rules of Practice: Rule 361.03, subd. 2			

The *Motion* Form

Fill in your full name.

To the Court: My name is _____ Your full name. _____ . I ask that the Court approve my <i>Motion for Subpoena</i> so that the Court Administrator can issue the subpoenas as requested below:
--

Next, fill out the rest of the *Motion* form:

- 1 . Fill in the number of subpoenas you need for your Expedited Child Support case.

1	1 . I ask that the Court Administrator issue a total of _____ # _____ (number) subpoenas for me to use in this Expedited Child Support Process case.
----------	--

- 2 . Rule 361.03, subd. 2(a), of the Minnesota General Rules of Practice requires that you include specific details about the subpoena you are requesting. You can find this rule online at https://www.revisor.mn.gov/court_rules/gp/id/361/.

For each subpoena you are requesting, list:

- a. The full name of the person being served, along with their home or business address;
- b. The documents to be produced, if any; and
- c. The date, time, and location for responding to the subpoena.

If you are asking for more than 1 subpoena, include this information for each of the other subpoenas on the *Attachment to Motion – Additional Subpoenas (CSX1602-Att)* form.

2

2 . Subpoena Details.

I am including the following information as required by Minn. Gen. R. Prac. 361.03, subd. 2(a):

a Full name and home or business address of person being served: _____

b Documents to be produced: _____

c { Date for responding to subpoena: _____ Time: _____ a.m./ p.m.
 Place (Location): _____

→ **NOTE:** If requesting more than 1 subpoena, use the *Attachment to Motion – Additional Subpoenas (CSX1602-Att)* to give the detailed information for each subpoena you are requesting.

3 . You do not have to fill in anything in paragraph 3. This is a statement about the costs of subpoenas.

Subpoenas cost \$16 each. You will need to pay for each subpoena that court administration issues unless you have a fee waiver (In Forma Pauperis) order on file in this case.

Signature

Date and sign the *Motion for Subpoena*, then include your name and contact information under your signature.

Step 2
File Out the Affidavit in Support of Motion for Subpoena (CSX1603)

The Caption

Fill out the caption like you did on the *Motion* form in [Step 1](#) above.

State of Minnesota	District Court
County of: _____	Court File Number: _____
Judicial District: _____	Case Type: _____
_____ Petitioner	
AND	
_____ Respondent	
_____ Intervenor	
Affidavit in Support of Motion for Subpoena in the Expedited Child Support Process (CSX1603)	

1. In paragraph 1, explain why you need each subpoena you are requesting. If you run out of room for your answer, add more paper.
2. In paragraph 2, there are different statements from Rule 361.03, subd. 2. If there is any statement you do not understand, you are encouraged to [get legal advice](https://mncourts.gov/Help-Topics/Find-a-Lawyer.aspx) (mncourts.gov/Help-Topics/Find-a-Lawyer.aspx).

Put your initials by each of the statements in 2a through 2f to show that you understand the requirements and the rule.

Signature

When you sign the *Affidavit in Support of Motion for Subpoena*, you are signing under the penalty of perjury. Perjury is the crime of intentionally lying or misrepresenting the truth. By signing under penalty of perjury, you are stating that the information in your *Affidavit* is true to the best of your knowledge.

Date and sign the *Affidavit*. Then fill in the name of the county and state you are in when you sign it and include your personal contact information below your signature.

Step 3 File with Court Administration

You will need to file the following forms:

- *Motion for Subpoena in the Expedited Child Support Process*;
- *Affidavit in Support of Motion for Subpoena in the Expedited Child Support Process*; and
- Any attachments.

FEE

There may be a fee due when you file these papers if this is your first filing in the case. Contact [court administration](https://mncourts.gov/Find-Courts.aspx) (mncourts.gov/Find-Courts.aspx) in the county where your case is located for more information.

If a fee is due when you file, and you cannot afford to pay the fee, you can ask for a fee waiver. Forms and helpful information about fee waivers is available on the [Minnesota Judicial Branch website](https://mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx) (mncourts.gov/Help-Topics/Fee-Waiver-IFP.aspx).

HOW TO FILE:

At the Courthouse:

- File the forms with court administration.
- This can be done either in person at the courthouse or by mail. Addresses for courthouses are online at <https://mncourts.gov/Find-Courts.aspx>.

Electronic Filing through eFS System:

- If you have an account, or want to create one, with the eFS System, you can file electronically (eFile). See <https://www.mncourts.gov/eFile>.
- NOTE: Once you decide to eFile, you must continue to eFile for the entire case.
- Along with the filing fee and costs, there is also a fee of \$5 for using the eFS System when a fee is collected. If a judicial officer has granted you a fee waiver (IFP), the \$5 fee is waived.

What Happens Next?

A Child Support Magistrate will review your motion (usually without a hearing) and will issue an order approving or denying your motion.

The Child Support Magistrate may also modify the subpoena (including requiring you to pay reasonable costs of producing documents, books, papers, etc.).

If the Child Support Magistrate approves your motion:

1. Court administration will issue a signed and sealed blank subpoena.
2. You must fill out the subpoena with all the necessary information before having it served.
 - a. If requesting documents, you must identify what documents you are requesting.
 - b. You must include the full name and home or business address of the person to be subpoenaed to produce documents or to appear as a witness at your child support hearing.
 - c. You must specify the date, time, and place for responding to the subpoena.

NOTE: The subpoenaed person has the right to file with the court a request to quash the subpoena if the person feels the request is burdensome or unreasonable.

3. Make a copy of the subpoena to serve on the person being subpoenaed.

Service and Fees and Mileage

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](http://revisor.mn.gov/statutes/cite/357.22) (revisor.mn.gov/statutes/cite/357.22).

Proof of Service

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