

PROCEDURES: HOW TO OBTAIN AND SERVE A SUBPOENA

NOTE

- The subpoena is used to obtain testimony or the production of documents, records or objects, or the inspection of premises from persons or companies, organizations, etc., who are NOT parties to the case.
- You are responsible for the receiving party's costs of complying with the subpoena. (See "Costs to Person Sending Subpoena" in this packet for more information.)
- You must already have an open case in the Superior Courts of Arizona for the Clerk to issue a subpoena, or have already registered the order of a foreign (out of state) court for a deposition.
- You must be able to serve the subpoena within the state of Arizona.
- WARNING: There are additional requirements for a subpoena of MEDICAL RECORDS. Those requirements and additional forms that may be needed for that purpose are NOT included in this packet. Refer to A.R.S. § 12-2294.01 or consult an attorney for additional information.

STEP 1 - COMPLETE THE SUBPOENA. (See separate "How to Complete the Subpoena" instructions.)

STEP 2: Take the original subpoena to the Clerk of the Superior Court. Pay the fee and have the form signed and dated by the Clerk between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, at either of the locations listed below.

Clerk of Superior Court
120 S. Cortez Street
Prescott, AZ 86303

Clerk of Superior Court
2840 N. Commonwealth Drive
Camp Verde, AZ 86322

The fee for issuance of each subpoena is \$30 (subject to change). Go online to <http://courts.yavapai.us/clerk/fee-schedule> or inquire at the Clerk's Office for information on current fees. Cash, VISA/MasterCard debit or credit cards, money order, or personal in-state check made payable to the "**Clerk of Superior Court**" are acceptable forms of payment.

If you cannot afford the filing fee and/or the fee for having the papers served by the Sheriff, you may request a **deferral** (payment plan) when you file your papers with the Clerk of the Court. **Deferral Applications** are available at **no charge** from the Self-Service Center. There is a fee for filing a deferral application, if approved.

STEP 3 – MAKE COPIES: Make (1) copy for your records, **plus (1)** for every party in the case:

STEP 4 – MAIL ONE COPY to every party in the case.

STEP 5 - SERVE THE SUBPOENA: Have the *original* subpoena served on (personally delivered to) the person you want to appear in court or for a deposition or who is in control of the documents, objects or location you want to examine.

- **The original subpoena may be served by any person over the age of 18 who is NOT a party to the case.**
- The person serving the subpoena must file an **Affidavit of Service** with the Court as proof of delivery.
- If you choose to have the paper served by a licensed process server or the Sheriff's Department, they will have their own **Affidavit of Service** form, *if not*, use the one included in this packet.

FREQUENTLY ASKED QUESTION:

WHEN MUST THE SUBPOENA BE SERVED? HOW FAR IN ADVANCE OF WHEN I WANT THE PERSON TO APPEAR OR THE DOCUMENTS, RECORDS, OBJECTS OR PLACE MADE AVAILABLE FOR INSPECTION MUST THE SUBPOENA BE DELIVERED?

ANSWER: The rules of court known as the Arizona Rules of Civil Procedure (A.R.C.P.) do not specify any particular number of days that the subpoena must be delivered before the person is to appear or the documents or objects delivered or place made available for inspection. The Rules do say that if the person receiving the subpoena feels that the length of time is unreasonable or otherwise objects, he or she must file an objection with the Court within 14 days of receiving the subpoena or before the date listed on the subpoena for the person to appear or to produce or provide access to the documents, records, objects, or location listed on the subpoena. A.R.C.P. 45 (C)(5) **Identical provisions are contained in Arizona Rules of Family Law Procedure (A.R.F.L.P.) Rule 52.**

STEP 6 – WAIT and be prepared to respond to any objection from the party being served with the subpoena, or for the date and time the items are to be produced or for the scheduled appearance.