

**GENERAL INFORMATION FOR SERVICE OF ORDER TO ATTEND COURT OR  
PROVIDE DOCUMENTS (SUBPOENAS)**  
*(Criminal and traffic only)*

**COMPLETE ALL FORMS IN FULL**

**SUBPOENA FOR RECORDS (DUCES TECUM):**

*Requires documents and records to be sent to the court*

1. A **copy** of the subpoena and declaration must be timely served, on the custodian of records, pursuant to Penal Code 1328.
2. The subpoena may be served by any person who is over the age of 18, except the defendant.
3. Service is made by **personally** delivering a copy of the subpoena to the person named on the subpoena.
4. After the subpoena has been served, the server must complete the Proof of Service located on the reverse side of the original subpoena.
5. The original subpoena with the completed Proof of Service and the original Declaration for Subpoena Duces Tecum form is submitted to the court at the hearing, if so requested.
6. If the subpoenaed documents are sent to a party, those documents must be delivered immediately to the court unopened. Failure to comply with this may violate the law and impact the admissibility of the documents.

**SUBPOENA FOR A WITNESS:**

*Requires attendance of the witness in court*

1. A **copy** of the subpoena must be timely served on the witness, pursuant to Penal Code 1328.
2. The subpoena may be served by any person who is over the age of 18, except the defendant.
3. Service is made by **personally** delivering a copy of the subpoena to the witness named on the subpoena.
4. After the subpoena has been served, the server must complete the Proof of Service located on the reverse side of the Original subpoena.
5. The original subpoena with the completed Proof of Service is submitted to the court at the time of hearing, if so requested.

Subdivision (a)(3) of Penal Code section 1326 in relevant part provides that the "Order to Attend Court or Provide Documents" form has been pre-signed to assist with the service of the court order.

**THIS INFORMATION IS FOR GENERAL USE AND NOT INTENDED AS FULL AND COMPREHENSIVE INSTRUCTION GOVERNING THE LAWS AND RULES RELATING TO THE SERVICE OF SUBPOENAS. FOR FURTHER INFORMATION YOU MAY WISH TO SEEK LEGAL ADVICE OR REFER TO <http://www.courts.ca.gov>.**