

## IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

Register in Chancery Kent County 38 The Green, Ste. 208 Dover, DE 19901 302-735-1930	Register in Chancery New Castle County 500 N. King Street, 7th Floor Wilmington, DE 19801 302-255-0544	Register in Chancery Sussex County 34 The Circle Georgetown, DE 19947 302-856-5777
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### **Procedures for Requesting a Subpoena**

- The “Request for Issuance of Subpoena” form must be filed with the Register in Chancery’s office to obtain a subpoena. The certificate of service will need to be filed with the request showing notice was sent to all interested parties.
- A subpoena can be issued to a Delaware resident if you want them to appear for a hearing and they will not come voluntarily or if you want the person/agency to provide documentation. A subpoena should be issued to the party as soon as you know the hearing date. If a hearing is moved, a new subpoena will be required.
- Court of Chancery Rule 45 explains the subpoena process, including how to stop a subpoena if it is not served to a party with sufficient time to respond. Or, if it requires information or documents that cannot be released.
- The fee for each subpoena is \$10.00 and payment must be received when the request form is filed. Payment can be received in a form of a check or money order payable to “Register in Chancery”. Cash is acceptable if appearing in person.
- The court clerk will only sign and stamp the subpoena, but you are responsible for filling out the rest of the form before it is served.
- Any person over the age of 18 who is not a party to the case can deliver the subpoena directly to the person. The person who serves the subpoena must then complete the affidavit of process server and you are responsible for filing that affidavit with the Court along with a copy of the completed and served subpoena and a certificate of service.



5. I understand I am/we are responsible for filing the affidavit of process server along with a copy of the completed and served subpoena and a certificate of service after the subpoena is served.

Signature section for requester	Signature section for any second requester
I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.	I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.
Date: _____	Date: _____
Print name: _____	Print name: _____
Signature: _____	Signature: _____
Address: _____	Address: _____
_____	_____
_____	_____
Phone Number: _____	Phone Number: _____

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

In the matter of: \_\_\_\_\_, :  
 A person with a disability/a minor : C.M. #: \_\_\_\_\_  
 :

**Certificate of Mailing for Request for Issuance of Subpoena**

The petitioner/objector mailed the “Request for Issuance of Subpoena” on \_\_\_\_\_ [date] to the following interested parties:

Name of Interested Parties	Address of Interested Parties

Signature section for petitioner/objector	Signature section for any co-petitioner/co-objector
I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.	I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.
Date: _____	Date: _____
Print name: _____	Print name: _____
Signature: _____	Signature: _____

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

In the matter of: \_\_\_\_\_ :  
 :  
 : C.M. #: \_\_\_\_\_  
A person with a disability/a minor :  
 :

**Affidavit of Process Server for a Subpoena**

Name of Process server: \_\_\_\_\_

I declare that I am over the age of eighteen years old, I am not a party to this action and that within the boundaries of the State of Delaware, I was authorized by law to perform said service.

**SERVICE:** I served \_\_\_\_\_ [Name of person served]

with a copy of the subpoena at \_\_\_\_\_

[address service was completed] on \_\_\_\_\_ [date subpoena

served] at \_\_\_\_\_ A.M./P.M.

I declare under penalty of perjury that the information contained herein is true and correct.

Date: \_\_\_\_\_

Signature of person who served the subpoena: \_\_\_\_\_

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

\_\_\_\_\_  
Notary Public/Register in Chancery

**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

In the matter of: \_\_\_\_\_ :  
 \_\_\_\_\_, :  
 A person with a disability/a minor : C.M. #: \_\_\_\_\_  
 :

**Certificate of Mailing for Affidavit of Process Service for a Subpoena**

The petitioner/objector mailed the “Affidavit of Process Service for a Subpoena” on \_\_\_\_\_ [date] to the following interested parties:

Name of Interested Parties	Address of Interested Parties

Signature section for petitioner/objector	Signature section for any co-petitioner/co-objector
I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.	I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.
Date: _____	Date: _____
Print name: _____	Print name: _____
Signature: _____	Signature: _____