

**10-560. Subpoena.**

[For use with Rule 10-143 NMRA]

STATE OF NEW MEXICO  
COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ JUDICIAL DISTRICT  
IN THE CHILDREN'S COURT

STATE OF NEW MEXICO ex rel.  
CHILDREN, YOUTH AND FAMILIES DEPARTMENT

No. \_\_\_\_\_

In the Matter of  
\_\_\_\_\_, (a) Child(ren), and Concerning  
\_\_\_\_\_, Respondent(s).

**SUBPOENA**

SUBPOENA FOR<sup>1</sup>

- APPEARANCE OF PERSON FOR
  - STATEMENT
  - DEPOSITION
  - \_\_\_\_\_ (*type of hearing*)

- SUBPOENA FOR DOCUMENTS OR OBJECTS<sup>2</sup>

TO: \_\_\_\_\_

YOU ARE HEREBY COMMANDED TO:

- appear to testify at the taking of a deposition in the above case:  
Place: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ (a.m.) (p.m.)

- appear to testify at a hearing  
Place: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ (a.m.) (p.m.)

- permit inspection of the following described documents or objects

\_\_\_\_\_  
\_\_\_\_\_  
Place: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ (a.m.) (p.m.)

[ ] appear to give a statement

Place: \_\_\_\_\_  
Date: \_\_\_\_\_ Time: \_\_\_\_\_ (a.m.) (p.m.)

YOU ARE ALSO COMMANDED to bring with you the following document(s) or object(s)

\_\_\_\_\_  
\_\_\_\_\_

IF YOU DO NOT COMPLY WITH THIS SUBPOENA you may be held in contempt of court and punished by fine or imprisonment.

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, clerk, or attorney

### RETURN FOR COMPLETION BY SHERIFF OR DEPUTY

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County, I served this subpoena on \_\_\_\_\_ by delivering to the person named a copy of the subpoena[, a witness fee in the amount of \$ \_\_\_\_\_ and mileage in the amount of \$ \_\_\_\_\_].<sup>3</sup>

\_\_\_\_\_  
Deputy sheriff

### RETURN FOR COMPLETION BY OTHER PERSON MAKING SERVICE

I, being duly sworn, on oath say that I am over the age of eighteen (18) years and not a party to this lawsuit, and that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, in \_\_\_\_\_ County, I served this subpoena on \_\_\_\_\_ by delivering to the person named a copy of the subpoena[, a witness fee in the amount of \$ \_\_\_\_\_ and mileage as provided by law in the amount of \$ \_\_\_\_\_].<sup>3</sup>

\_\_\_\_\_  
Person making service

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (date).

\_\_\_\_\_  
Judge, notary, or other officer  
authorized to administer oaths

THIS SUBPOENA issued by or at request of:

\_\_\_\_\_  
Name of attorney of party

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone

**CERTIFICATE OF SERVICE BY ATTORNEY<sup>4</sup>**

I certify that I caused a copy of this subpoena to be served on the following persons or entities by (*delivery*) (*mail*) on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_:

(1) \_\_\_\_\_  
(*Name of party*)

\_\_\_\_\_  
(*Address*)

(2) \_\_\_\_\_  
(*Name of party*)

\_\_\_\_\_  
(*Address*)

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of signature

**TO BE PRINTED ON EACH SUBPOENA**

1. A command to produce evidence or to permit inspection may be joined with a command to appear for a deposition or trial.
2. A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
3. Payment of per diem and mileage for subpoenas issued by a children's court attorney or an attorney appointed by the court is made pursuant to regulations of the Administrative Office of the Courts or to policies or procedures of the Children, Youth and Families Department. The bracketed language should be deleted if the subpoena is issued by a children's court attorney or an attorney appointed by the court.

A subpoena by a private party or corporation must be accompanied by the payment of one full day's per diem. Mileage must also be tendered at the time of service of the subpoena as provided by the Per Diem and Mileage Act.

4. To be completed only if the subpoena is commanding production of documents and things before trial. If the subpoena is commanding production of documents and things before trial, it must be served on each party in the manner provided by Rules 5-103, 5-103.1 or 5-103.2 NMRA. If service is by a party, an affidavit of service must be used instead of a certificate of service.

[Approved, effective April 1, 2002; 10-405 recompiled and amended as 10-560 by Supreme Court Order No. 14-8300-009, effective for all cases filed or pending on or after December 31, 2014; as amended by Supreme Court Order No. 16-8300-017, effective for all cases pending or filed on or after December 31, 2016.]