

Information Center

New Hampshire Trial Courts

HOW TO SUBPOENA A WITNESS FOR A COURT HEARING

General information:

- A subpoena is a form that requires a person to come to court to say what they know about a case. It must be “served” on the person. This means it must be given or read to the person you want to come testify. The information on this sheet will tell you how to subpoena a witness who lives in New Hampshire.
- You can also request that a person bring a document or other materials with them to court.
- If you are represented by a lawyer, you should talk to your lawyer before you subpoena anyone.
- Refer to RSA Chapter 516 for more information regarding subpoenas.
- You will need a Subpoena (NHJB-2775-DFPS) form to start this action.

Instructions for filling out the Subpoena:

- ① Enter the name of the court, your case name and case number assigned by the court. Enter these on the top of the subpoena form just as they appear on your court documents.
- ②, ③ Enter the name and address of the person you wish to subpoena.
- ④, ⑤ Enter the name of the court and the street address of the court where the hearing/trial will be held.
- ⑥ Enter the date, time, and location of the hearing/trial at which you want the person to testify.
- ⑦ If you want the person to bring anything with them to court to help you prove your case, you need to fill in what to bring.
- ⑧ The subpoena must be signed and dated by a justice of the peace, a NH judge, or the clerk of court where your case is filed. If you want a judge or clerk to sign, contact the clerk for further instructions. Judges and clerks are not required to sign a subpoena.
- ⑨ Enter your name as the person requesting the subpoena. If you want the person to be able to call you with any questions, enter your phone number.
- ⑩ DO NOT FILL OUT the Return of Service information at the bottom of the form. That will be filled in by the sheriff or other person who serves the subpoena.

THE STATE OF NEW HAMPSHIRE	
Court Name:	_____ ①
Case Name:	_____
Case Number: (if known)	_____
SUBPOENA	
To:	_____ ②
Name of Witness	_____ ③
Street Address	_____
City, State, Zip Code	_____
You are required to appear at:	_____ ④
<small>Location (if at a courthouse, put name of court)</small>	
at	_____ ⑤
Street Address	_____
City	_____
State	_____
on _____ ⑥	at _____ ⑦
Date	Time
to testify about the above case.	
You are further required to bring with you the following:	_____ ⑧

IF YOU DO NOT APPEAR YOU MAY BE SUBJECT TO LEGAL PENALTIES	
Date _____	Signature _____ ⑨
	<small>Justice of the Peace, Clerk of Court, or Judge</small>
	Printed name _____
Issued at the request of _____ ⑩	Phone number (optional) _____
=====	
⑩ RETURN OF SERVICE	
On _____ at _____ o'clock in the <input type="checkbox"/> a.m. <input type="checkbox"/> p.m. I read or delivered in hand to the above-named person an original subpoena of which this is a true copy. I also delivered payment of travel fees of \$ _____ and attendance fees of \$ _____ this date.	
	Signature _____
	Printed name _____
	Title (if applicable) _____
	Agency (if applicable) _____
REQUESTING PARTY IS RESPONSIBLE FOR PAYMENT OF TRAVEL AND ATTENDANCE FEES	

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How much will this cost?

- If the subpoena is served by the sheriff, you must pay the sheriff's fees.

How do I get a subpoena served?

- You may have it served by the sheriff's office in the county where your witness lives, or have some other person serve it. It is suggested you have it served more than 10 days prior to the hearing/trial.
- You will need to give the person serving the subpoena the completed original form plus 2 copies. A copy will be given or read to the witness. The person serving it must fill in the bottom part of the original subpoena (the Return of Service) and give it to you. The extra copy is kept by the person serving the subpoena.
- If you want it served by a sheriff, call ahead of time to verify office hours and fees. NH.gov has links to county websites where you will find lists of towns and their counties, and contact information for the county sheriff. If the sheriff serves the subpoena, a copy will be returned to you with the Return of Service information filled in. The sheriff will charge a fee.
- If you have someone other than a sheriff serve the subpoena, make sure they complete the Return of Service information and return a copy of the form to you.
- KEEP THE RETURN OF SERVICE COPY IN YOUR RECORDS AND BRING IT TO COURT ON THE DAY OF YOUR HEARING/TRIAL.** It is your proof that the person was subpoenaed, in case he/she does not come to your hearing/trial.

What if the person subpoenaed does not want to attend or objects?

- A person who is served with a subpoena may object to attending the hearing, arguing that the date is inconvenient, that insufficient notice was given, or that the request for documents is inappropriate.
- The person who objects to the subpoena may file an objection called a "Motion to Quash." The person can use the standard motion form and procedure (**NHJB-2201-DFP**). The person can object for the reasons stated above, or for any other reason. The Motion to Quash is filed in the same court where the case has been filed.
- If the person files a "Motion to Quash," the court will rule on the motion. You may file an objection to the motion.

Forms and Instructions are available at any NH Court

Additional information can be found at:

[New Hampshire Judicial Branch \(nh.gov\)](http://New Hampshire Judicial Branch (nh.gov))