

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, Ste. 11600
Wilmington, DE 19801
302-255-0544

Register in Chancery
Sussex County
34 The Circle
Georgetown, DE 19947
302-856-5777

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.
- Court’s website <https://courts.delaware.gov/chancery/guardianship/index.aspx>

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.

Requester	Second Requester (if applicable)
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.
Executed on _____, 20____.	Executed on _____, 20____.
_____ (Requester's Printed Name)	_____ (Second Requester's Printed Name)
_____ (Requester's Signature)	_____ (Second Requester's Signature)
_____ (Requester's Address)	_____ (Second Requester's Address)
_____ (Requester's Address)	_____ (Second Requester's Address)
_____ (Requester's Phone Number)	_____ (Second Requester's Phone Number)

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF: _____ :
 _____ :
 _____ : C.M. # _____
 A person with an alleged disability /minor :

CERTIFICATE OF MAILING

The petitioner(s)/objector(s), _____, mailed on this date, _____ the Request for Issuance of Subpoena to the following interested parties:

Name	Address

Petitioner/Objector	Co-Petitioner/Objector (if applicable)
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.
Executed on _____, 20____.	Executed on _____, 20____.
_____	_____
(Printed Name)	(Printed Name)
_____	_____
(Signature)	(Signature)

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF: _____ :
 :
 : C.M. # _____
A person with an alleged disability/minor :

Affidavit 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 and that this affidavit was executed on _____.

(Signature of person who served the subpoena)

SWORN TO AND SUBSCRIBED before me this _____ day of _____,
20____.

Notary Public

IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE

IN THE MATTER OF: _____ :
 _____ : C.M. # _____
 A person with an alleged disability /minor :

CERTIFICATE OF MAILING

The petitioner(s)/objector(s), _____, mailed on this date, _____ the following document(s): _____

_____ to the following interested parties:

Name	Address

Petitioner/Objector

Co-Petitioner/Objector (if applicable)

<p>I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.</p> <p>Executed on _____, 20____.</p> <p>_____</p> <p>(Printed Name)</p> <p>_____</p> <p>(Signature)</p>	<p>I declare under penalty of perjury under the laws of Delaware that the foregoing is true and correct.</p> <p>Executed on _____, 20____.</p> <p>_____</p> <p>(Printed Name)</p> <p>_____</p> <p>(Signature)</p>
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