

# MARIN COUNTY SUPERIOR COURT

## SMALL CLAIMS DIVISION

3501 Civic Center Drive, Room 113

P.O. Box 4988

San Rafael, CA 94913-4988

(415) 444-7040



## SMALL CLAIMS SUBPOENA AND DECLARATION INFORMATION SHEET

1. A *Subpoena* is a court order that *requires* a witness to appear at trial. The witness has a right to charge a fee for appearing in court. You may ask the Small Claims Clerk to issue a *Small Claims Subpoena and Declaration* form (Judicial Council form SC-107) which may be used for personal appearance and/or for production of documents and things at trial.
2. If a witness volunteers to appear, notify him of the time and date of hearing. If a witness will not appear voluntarily, have the Small Claims Clerk give you a *Small Claims Subpoena and Declaration* form (which is issued in blank) to serve on the witness.
3. The Small Claims Clerk will issue two (2) blank *Small Claims Subpoena and Declaration* forms for each case. In certain instances more than two (2) Subpoenas may be issued.
4. You are required to pay fees and mileage to a witness if requested.
  - \$35.00 per day plus mileage computed at 20 cents per mile (distance both ways from where witness is served to the Hall of Justice). (GC 68093)
  - \$275.00 per day for any government employee (plus actual expenses, if necessary). These deposits shall be paid to the witness' agency. (GC 68097.2)
5. A *Subpoena* must be properly completed and served before the hearing and the *Proof of Service* must be brought to the hearing. Anyone over the age of 18, that is not a party to the action, may serve a *Subpoena* by personally delivering the document to the person named in the *Subpoena*. Personal delivery means handing the document to the person or agent for service named in the subpoena. Mailing the document or delivering the document to a family member or secretary does NOT constitute personal delivery. After service has been made, the *Proof of Service* must be completed by the person who served the subpoena. The *Proof of Service* form is on the *Small Claims Subpoena and Declaration* form.
6. For instructions on how to complete the forms, service procedures and payment of witness fees, please contact Legal Self Help Center at (415) 444-7130, Monday through Friday, 8:30 AM to 12:00 PM and 1:00 PM to 3:00 PM on Tuesday and Thursday, located at 3501 Civic Center Drive, Room C-44, San Rafael, CA 94903. **To allow yourself enough time to receive assistance from the staff, and to complete your paperwork, please arrive at their office no later than 11:15 AM and 2:15 PM.**
7. *Small Claims Subpoena and Declaration* form(s) are NOT filed with the Clerk's office.
8. Bring a copy of the *Small Claims Subpoena and Declaration* form(s) with original *Proof of Service* to the Court hearing and present them to the Judge. At the hearing, the Judge will review the documents and determine if the original *Small Claims Subpoena and Declaration* form(s) you submitted have been properly served.