

# INSTRUCTIONS FOR OBTAINING A SUBPOENA

**These standard instructions are for informational purposes only and do not constitute legal advice about your case. If you choose to represent yourself, you are bound by the same rules and procedures as an attorney.**

## GENERAL INFORMATION

- ◆ A subpoena for law enforcement officers under §§ 42-2-126 and 42-2-127.7 C.R.S. (Express Consent and Suspension for Administrative Insurance hearings) must be served at least five (5) days prior to the date of hearing.
- ◆ All other subpoenas must be served no later than 48 hours prior to the appearance date and time.
- ◆ A Subpoena to Appear is a document issued by the Hearing Officer at the request of the Respondent or the Respondent's attorney to require the appearance of a witness at a hearing.
- ◆ A Subpoena to Produce (Subpoena Duces Tecum) is a document issued by the Hearings Division at the request of the Respondent or the Respondent's attorney to require the witness to bring certain documents or evidence in their possession with them to a hearing.
- ◆ A hearing must be set prior to requesting the Hearings Division to issue a subpoena.
- ◆ For additional information, please review the Colorado Rules of Civil Procedure and 1 CCR 211-2 (5).

## FEES

There is no filing fee for this process. However, you are required to compensate the process server, if you have one. See Rule 45(c) of the Colorado Rules of Civil Procedure for further details.

## FORMS

To access a form online go to <https://www.colorado.gov/pacific/revenue/hearing-division-forms> and click on the form of your choice. You may complete a form online or you may print it out and then either type or write the information in. You can then email it to dor\_info\_hearings@state.co.us. You can also mail it to the Hearings Division at PO Box 17807 Denver, CO 80217, but that will delay the processing of your request.

## STEPS TO OBTAINING A SUBPOENA

- If you plan to have the Hearings Division issue a subpoena for the Express Consent Officer, **go directly to step 2.**
  - The Express Consent Officer is the officer who signed the Express Consent Affidavit and Notice of Revocation.
- If you plan to have the Hearings Division issue any other subpoena, **go to Step 1.**

### Step 1: Complete A Statement of Understanding per 1 CCR 211-2 (5.5)

- Complete all appropriate sections of this form and answer all of the requirements.
- The Statement of Understanding is required for ALL subpoenas except those for the Express Consent Officer.
- Complete a Subpoena to Testify and/or to Produce (Subpoena Duces Tecum) **Go to Step 2.**

**Step 2: Complete the upper and middle portion of the Subpoena.**

- Each witness must be served a separate subpoena.
- When requesting a witness to bring certain items, be specific and clear when identifying the items.
- If you are requesting to subpoena the Express Consent Officer, confirm that the Express Consent Officer has not already been requested.
  - To tell if you have already requested the Express Consent Officer, look at your request for the administrative hearing.

**Step 3: Submit the Subpoena(s) to the Hearings Division.**

- The Hearing Officer will verify that the name of the Respondent, case number, date and time are accurate. The Hearing Officer will also determine if your statement of understanding is sufficient.
- If the subpoena meets the requirements, the Hearing Officer will grant the subpoena(s) and return them to you for personal service on the witness.
- If the subpoena does not meet the requirements, the Hearing Officer will deny the subpoena and return it to you with a decision explaining why it was denied.
- You may resubmit a denied subpoena for reconsideration, as long as it is timely. See the first part of Step 4 regarding the amount of time you have to serve a subpoena.

**Step 4: Complete Service.**

- A subpoena for law enforcement officers under §§ 42-2-126 and 42-2-127.7 C.R.S. (Express Consent and Suspension for Administrative Insurance hearings) must be served at least five (5) days prior to the date of hearing.
- Service for other subpoenas must be completed no later than 48 hours prior to the appearance date identified on the subpoena.
- Take the yet-to-be served subpoena to the sheriff, a private process server, or anyone 18 years or older and not a party to the action.
- The process server must follow the Service of Process requirements stated in Colorado Rule of Civil Procedure 45.
- Be sure to direct the sheriff, private process server, or person serving the subpoena to return the completed copy of the Subpoena/Return of Service to you as soon as possible after service has been completed. Please send a copy to the Hearings Division as soon as possible. You must bring the completed subpoena when you come to the hearing.