

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 10/11/23
Page 1 of 6	Subpoena Procedures	Section 1614

1614 Subpoena Procedures

A. Authority

New Jersey Statutes Annotated: N.J.S.A. 2A:17-56.53
N.J.S.A. 2A:17-56.57

New Jersey Court Rules: R. 1:9
R. 4:14-7

Other References: DFD Informational
Transmittal No. 28

DFD Information
Transmittal No. 05-81

B. Overview

A subpoena is a writ, commanding the person named in the subpoena, to appear at a specified time and place for the purpose of being questioned under oath or to provide information, or produce documentation concerning a particular matter which is the subject of an investigation, proceeding, or lawsuit. A subpoena is issued by someone authorized by law, usually by the attorney for a party to a lawsuit but may be issued by someone authorized to conduct an investigation, such as the State Attorney General, local Prosecutor, Probation Child Support Enforcement (PCSE), or a grand jury.

Alternatively, PCSE may be subject to a subpoena by other entities. There are strict guidelines in place for the response, which is discussed below in section F. If PCSE does not comply timely and appropriately, the Judiciary may be subject to penalties.

C. Types of Subpoenas

Two types of subpoenas commonly issued by PCSE are described below:

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 10/11/23
Page 2 of 6	Subpoena Procedures	Section 1614

1. A subpoena to produce documentation, *Administrative Subpoena* (Attachment 1614A), is used to require only that the individual provide the requested information or documents to the PCSE Unit, without the need for a court appearance.
2. A subpoena to appear, *Subpoena Ad Testificandum* (Attachment 1614B), is used to order a witness to appear and give testimony in court.
3. Usually, a subpoena directs that the person named appear and give testimony in open court. However, certain subpoenas require the person to appear before a person or tribunal other than a court, such as a grand jury or an executive branch administrative agency.

D. Issuance of a Subpoena

PCSE routinely utilize subpoenas to compel documentation and information. A subpoena may also issue when a person or organization either refuses or is unable of their own free will to give evidence or to provide documents or books. It must identify the person who issued the subpoena, as well as the general nature of the proceeding to which it relates, although not necessarily the precise subject matter of the proceeding. A person/entity served with a subpoena is subject to a penalty for failing to comply and may be held in contempt of court.

E. Use of Subpoena by Probation Child Support Enforcement (PCSE)

A subpoena is a useful tool for PCSE. N.J.S.A. 2A:17-56.34 authorizes PCSE, subject to privacy safeguards, to subpoena information concerning putative fathers and child support obligors of instate and intergovernmental cases from entities or individuals deemed by PCSE to be a potential source of information concerning an obligor's income or assets.

Note: PCSE may subpoena information from utility companies, a money transfer service (e.g., Venmo, PayPal, Zelle, CashApp, Apple Pay, Western Union, etc.), or from a cellular telephone service.

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 10/11/23
Page 3 of 6	Subpoena Procedures	Section 1614

Most appropriate is a subpoena that simply requests the production of relevant documents or information, without the need for anyone to appear in person. The subpoena requesting information, such as an obligor's address or employer, may employ a checklist of commonly requested information or a detailed statement as to the specific information being requested.

1. If PCSE is requesting documentation or information through a subpoena on an in-state case, the following steps are taken:
 - a. Prepare Attachment 1614A;
 - b. Serve upon the entity from which information is sought by certified and regular mail;
 - c. If the entity does not respond with the requested documentation or information within 14 days, PCSE must attempt to contact them regarding the status to resolve the matter. PCSE must prepare the case for contempt proceedings using an *Order to Show Cause For Contempt* (Attachment 1614C) and *Certification in Support of Order to Show Cause* (Attachment 1614D); and
 - d. All efforts made at each stage of the subpoena process, such as, "issued subpoena to ABC Company to obtain obligor's address", must be recorded on the View/Update Notes/NOTE page.
2. When PCSE requests documentation or information by way of a subpoena on an intergovernmental case, the following steps are taken:
 - a. Prepare Attachment 1614A in accordance with the instructions provided; and
 - b. Serve it upon the entity (usually an employer) or individual

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 10/11/23
Page 4 of 6	Subpoena Procedures	Section 1614

from which information is sought by certified and regular mail. If the holder of the asset is headquartered in another state, but has an office or registered agent in New Jersey, PCSE should serve Attachment 1614A upon the New Jersey Office.

- c. If the entity does not respond with the requested documentation or information within the time frame entered on the subpoena, PCSE should contact them regarding the status to resolve the matter. PCSE must send a *Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery* (limited service request) with all supporting documentation to the Intergovernmental Central Registry (ICR) in the foreign state requesting their assistance to enforce compliance with the subpoena or to ensure the matter is addressed by the appropriate authority in that state.

Note: An *Administrative Subpoena* issued in another state becomes subject to the statutes and legal procedures of that state. Accordingly, New Jersey is limited in its remedies for enforcement of the subpoena when there is non-compliance.

- d. If the foreign state ICR is not able to gain compliance with the subpoena, PCSE should send a letter to the Administrative Office of the Courts (AOC) PCSE with all supporting documentation requesting assistance.
- e. PCSE will then request, in writing, the assistance of the Division of Family Development (DFD) which is authorized to request the Federal Office of Child Support Services (Federal OCSS) to intervene to help resolve the issues.
- f. All efforts made at each stage of the subpoena process, such as, “issued subpoena to ABC Company to obtain obligor’s address” or “documentation sent to AOC PCSE for referral to DFD” must be recorded on the View/Update Notes/NOTE

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 10/11/23
Page 5 of 6	Subpoena Procedures	Section 1614

page.

F. Procedure for Responding to a Subpoena

PCSE may be served with a subpoena by a process server or more commonly, by certified mail. Once PCSE receives a subpoena, immediate action is required. Upon receiving a subpoena, all efforts must be recorded on the View/Update Notes/NOTE page. PCSE must immediately notify their supervisor and Probation Assistant Division Manager. The Probation Assistant Division Manager will complete the Subpoena Checklist and forward along with the subpoena to AOC Counsel's Office. Counsel's Office will then provide direction on how to proceed.

G. Penalties for Failure to Respond to a Subpoena (N.J.S.A. 2A:81-15)

1. The willful and knowing disregard of a subpoena is a serious matter. A witness who disobeys a subpoena duly served upon them may be subject to punishment. If a witness fails to obey a subpoena issued by PCSE, the witness may be liable for civil penalties or damages for failure to comply, contempt, and compensation of witnesses.
2. Accordingly, PCSE must also respond promptly to subpoenas that have been duly served upon them. PCSE who fail to properly respond may be subject to the above-mentioned penalties.

State of New Jersey
Administrative Office of the Courts

Probation Child Support Enforcement Operations Manual	Volume A	Revised: 10/11/23
Page 6 of 6	Subpoena Procedures	Section 1614

Subpoena Procedures – List of Associated Forms

The forms listed with a catalog number (CN) can be found under [Forms/Probation Services Forms/Child Support Forms](#).

Catalog/Attachment Number:	Form Title:
1614A	Administrative Subpoena
12957/1614B	Subpoena Ad Testificandum
12959/1614C	Order to Show Cause For Contempt
12960/1614D	Certification in Support of Order to Show Cause