

Rule 234.2. Subpoena. Issuance. Service. Compliance. Fees. Prisoners

(a) Upon the request of a party, the prothonotary shall issue a subpoena signed and under the seal of the court but otherwise in blank, substantially in the form prescribed by Rule 234.6.

(b) A copy of the subpoena may be served upon any [person] adult within the Commonwealth by an adult[.]

Note: For service of a subpoena upon a minor who is a witness, see subdivision (e).

(1) in the manner prescribed by Rule 402(a);

(2) by any form of mail requiring a return receipt, postage prepaid, restricted delivery. Service is complete upon delivery of the mail to the person subpoenaed or any of the persons referred to in Rule 402(a)(2). The return receipt may be signed by the person subpoenaed or any of such persons; or

(3) by ordinary mail. The mail shall contain two copies of the Notice and Acknowledgment prescribed by Rule 234.9 and a self-addressed stamped envelope.

Note: A subpoena served by ordinary mail is not enforceable unless the witness acknowledges having received it. See Rule 234.5(a).

(c) The fee for one day's attendance and round trip mileage shall be tendered upon demand at the time the person is served with a subpoena. If a subpoena is served by mail, a check in the amount of one day's attendance and round trip mileage shall be enclosed with the subpoena.

Note: See 42 Pa.C.S.[A.] § 5903 for the compensation and expenses of witnesses. See also *Evans v. Otis Elevator Co.*, 403 Pa. 13, 168 A.2d 573 (1961), regarding the right of an expert witness to refuse to testify on behalf of an adverse party.

(d) A court may compel the attendance of any person confined in jail or prison by issuing, upon motion, an order directed to the custodian of the person so confined to release the person to the custody of a sheriff or other appropriate agent.

(e)(1) For the purposes of this subdivision, "guardian" shall mean any parent, custodian, or other person who has legal custody of a minor, or person designated by the court to be a temporary guardian for purposes of a proceeding.

(2)(i) Except as provided by subdivision (ii), if a witness is a minor, a copy of the subpoena shall be served upon the minor and the guardian of the minor within the Commonwealth by an adult in the manner prescribed in subdivision (b).

Note: See Rule 76 for definition of "minor."

(ii) Upon prior court approval and good cause shown, a copy of the subpoena may be served upon a minor who is a witness without serving a copy of the subpoena on the guardian. The copy of the subpoena shall be served upon the minor within the Commonwealth by an adult in the manner prescribed in subdivision (b).