

EX PARTE MOTION TO SUBPOENA WITNESSES

Use the attached ex parte motion to subpoena witnesses to compel a witness to testify at any hearing or the trial.

A subpoena is an order of the court issued by a Judge, Magistrate or the Clerk of Courts commanding a person to attend and give testimony at a specified time.

In a traditional adoption you need will two (2) witnesses to attend and testify at the adoption hearing. If the witnesses will not voluntarily attend the hearing you can file an ex parte motion for issuance of subpoena compel them to attend the hearing and give testimony. You will be required to provide the name, address or location for service and any other information that will aid in the subpoena being served on the correct witness.

There may be service and witness fees unless otherwise waived.

INSTRUCTIONS FOR FILLING OUT THE FORM. To fill out the attached form follow these instructions. The numbers to each instruction below is the number on the blank line on the form where the information for that number needs to be inserted on the form.

Instructions for filling out the motion:

- (1) on this line insert the name of each child you are seeking to adopt and their date of birth (DOB).
- (2) on this line insert your name.
- (3) on this line insert the name of the witness you need subpoenaed to testify in your behalf at the hearing or trial
- (4) on this line insert where the witness resides or can be located for service of the subpoena
- (5) on this line give a description of the witness you need subpoenaed to testify in your behalf at the hearing or trial
- (6) on this line indicate the day you sign the motion
- (7) on this line indicate the month you sign the motion
- (8) on this line indicate the year you sign the motion
- (9) on this line sign the motion

Note: Your motion must be signed and dated before the Clerk can accept it for filing and service

**ROSEBUD SIOUX TRIBAL COURT)
ROSEBUD SIOUX RESERVATION) SS
ROSEBUD, SOUTH DAKOTA)**

IN CHILDREN'S COURT

IN RE THE MATTER OF THE ADOPTION OF:

(1) _____ DOB: _____

(1) _____ DOB: _____

(1) _____ DOB: _____

(1) _____ DOB: _____

(1) _____ DOB: _____

(1) _____ DOB: _____

EX PARTE MOTION FOR
ISSUANCE OF SUBPOENA
FOR WITNESSES

Comes now, (2) _____ who moves this honorable Court to issue subpoenas for the following witness(es) who can provide relevant testimony at the Ecagwaya or traditional adoption hearing.

1. (3) _____ residing or can be located at (4) _____
_____ and is described as (5) _____
_____.

2. (3) _____ residing or can be located at (4) _____
_____ and is described as (5) _____
_____.

WHEREFORE, the movant prays that this Honorable Court to issue subpoenas for the foregoing witnesses who can provide relevant testimony.

Dated this (6) _____ day of (7) _____, (8) _____.

(9) _____
Petitioner(s)