

6-10/200.20 Consumer Notification

The date for the production of personal records shall not be less than 20 days from the subpoena's issuance date. The subpoenaing party shall serve on the consumer a copy of the subpoena, an affidavit supporting the subpoena, a notice of privacy rights and, a notice of deposition, if a deposition is sought, and proof of service of notice.

Service on the consumer shall be by: personal delivery, leaving the documents at the consumer's residence with some person 18 years of age or older, between 8 a.m. and 8 p.m. If a person 18 years or older cannot be found at the party's residence, the notice may be served by mail. If the party's residence is not known, attempts may be made by delivering the notice to the clerk of the court, for that party. If the consumer is a party, service shall be made on the consumer's attorney between 9 a.m. and 5 p.m. If serving the party's attorney, please review CCP 1011 fully for a full description of the manner of service.

If the consumer is a minor, service shall be made on the minor's parent, guardian, conservator, similar fiduciary, or on any person having the care or control of the minor or with whom the minor resides or by whom the minor is employed, and on the minor if the minor is at least 12 years of age. Service shall be made not less than 10 days prior to the date specified in the subpoena duces tecum, plus mailing time (5, 10 or 20 days) if service is by mail, and at least five days prior to service upon the witness custodian of the records, plus mailing time (5, 10 or 20 days). (CCP 1985.3)

The notice of privacy rights shall inform the consumer that the consumer's records are being subpoenaed, that the consumer may make a motion to quash the subpoena or serve a written objection, and that the consumer may consult an attorney to protect the consumer's rights to privacy. (CCP 1985.3)
