



Tennessee Department of Children's Services Protocol: Subpoena Compliance by DCS Employees

Supplemental to DCS Policy: 1.32 Service of Legal Process, Subpoenas and Legal Representation for DCS Employees

1. Subpoena Requirements:

a) A subpoena commands a person to attend court or provide certain information to the person issuing the subpoena. Receipt of a subpoena should always be taken seriously, as failure to comply with a subpoena may result in a finding of contempt, which is punishable by fine and/or incarceration.

b) DCS workers may not accept subpoenas for other workers.

c) DCS workers may receive a subpoena through any of the following ways:

☐ Served a copy of the subpoena through the U.S. Mail (certified); or

☐ Personally, served by process server (e.g. law enforcement, private process server, etc.).

Note: If approved by regional legal counsel, a DCS worker may accept a subpoena by email or phone call in special circumstances.

d) In the event a DCS worker receives a subpoena while employed by the Department but is no longer employed with the state on the date of the court hearing, the person is still required by law to attend court.

2. Notification of Subpoena:

Upon receiving a subpoena, a DCS worker shall:

a) Immediately provide a copy of the subpoena to the regional legal counsel for review. The regional legal counsel or designee determines what action should be taken on the subpoena, such as, if court attendance is required and what information/documentation can be provided.

- b) Create an appointment in Microsoft Outlook for the court hearing date in the subpoena:
 - ☐ Add the regional legal counsel to the appointment and attach the subpoena; and
 - ☐ After attaching the subpoena, add the Team Leader and Team Coordinator to the appointment.
- c) Attend court or provide documents as advised by regional legal counsel.
- d) The Team Leader and/or Team Coordinator are responsible for ensuring:
 - ☐ The requested DCS worker attends court when a subpoena is received;
 - ☐ Regional legal counsel is notified if an emergency arises that impacts the subpoenaed worker's attendance (e.g. serious injury; serious illness; hospitalization). The TL/TC or designee shall be required to appear in court to report as to why the subpoenaed individual cannot appear;
 - ☐ Pending court dates and subpoenas are discussed with the assigned DCS worker during employee reviews and case consultations; and
 - ☐ Every effort is made to contact and advise previous DCS workers, who received subpoenas while employed, of the requirement to still attend court. The TL/TC or designee may be required to appear in court in case the previous worker fails to appear.