



**Arizona Supreme Court  
Administrative Office of the Courts  
Certification and Licensing Division  
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Phoenix, Arizona 85007-3231**

**[www.supreme.state.az.us/cld/pps.htm](http://www.supreme.state.az.us/cld/pps.htm)**

**Arizona Code of Judicial Administration  
Section '7-204  
Private Process Server**

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**PRIVATE PROCESS SERVER PROGRAM**

## PRIVATE PROCESS SERVER PROGRAM

Pursuant to Arizona Revised Statutes § 11-445(H) and Rule 4, Arizona Rules of Civil Procedure, individuals granted certification as a private process server are authorized to serve process for any court of the state anywhere within Arizona. The Arizona Supreme Court has adopted the Arizona Code of Judicial Administration (ACJA), Section § 7-204: Private Process Server, providing for the statewide certification of process servers. Pursuant to § 7-204, the application, certification and discipline of private process servers is administered locally by the Superior Court in each county.

The Administrative Director of the Courts, pursuant to the authority granted to the Director by § 7-204, has adopted continuing education policies for private process servers through adoption of Administrative Directive 2003-01.

The ACJA, Administrative Order, Administrative Directive and updates regarding the Program, including a statewide list of certified process servers, are posted to the Arizona judicial department Web Page.

If you have questions regarding the Private Process Server Program:

- Visit the Private Process Server Web Page at [www.supreme.state.az.us/cld/pps.htm](http://www.supreme.state.az.us/cld/pps.htm)
- Email the Program at: [ProcServ@courts.az.gov](mailto:ProcServ@courts.az.gov)
- Contact the Office of the Clerk of the Court in your county of residence
- Contact the Certification and Licensing Division of the Arizona Supreme Court, Administrative Office of the Courts at 602-452-3980
- Questions may also be mailed to:

Arizona Supreme Court, Administrative Office of the Courts  
Certification and Licensing Division  
Private Process Server Program  
1501 West Washington, Suite 104  
Phoenix, AZ 85007-3231

Email: [ProcServ@supreme.sp.state.az.us](mailto:ProcServ@supreme.sp.state.az.us)

**ADMINISTRATIVE ORDER NO. 2002-110**

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of )  
 )  
ARIZONA CODE OF JUDICIAL ) Administrative Order  
ADMINISTRATION '7-204: ) No. 2002- 110  
PRIVATE PROCESS SERVER ) (Replacing Administrative Order  
 ) No. 94-20)  
 )  
\_\_\_\_\_ )

The above captioned provision having come before the Arizona Judicial Council on October 17, 2002, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution, Arizona Revised Statutes '11-445(H), and Rule 4, Arizona Rules of Civil Procedure,

IT IS ORDERED that the above captioned provision, attached hereto, including Appendix A, the Code of Conduct, is adopted as a section of the Arizona Code of Judicial Administration replacing Administrative Order No. 94-20, and the Policies and Procedures, Statewide Private Process Servers, Registration Process, as adopted by David K. Byers, Administrative Director of the Courts on March 22, 1994.

IT IS FURTHER ORDERED that this section of the Arizona Code of Judicial Administration is effective on January 1, 2003.

IT IS FURTHER ORDERED that, pursuant to subsection F(7) of this code section, all certified process servers shall begin to accrue the required ten hours of continuing education hours every twelve months from and after January 1, 2003. From and after January 1, 2004, certified process servers who submit an application for renewal of certification shall submit with the application, documentation of completion of continuing education hours in compliance with subsection F(7).

Dated this 27<sup>th</sup> day of November, 2002.

FOR THE COURT:

**NOT AN OFFICIAL COPY**

\_\_\_\_\_  
CHARLES E. JONES  
Chief Justice

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**

**' 7-204: PRIVATE PROCESS SERVER**

**ARIZONA CODE OF JUDICIAL ADMINISTRATION**  
**Part 7: Administrative Office of the Courts**  
**Chapter 2: Certification and Licensing Programs**  
**Section 7-204: Private Process Server**

**A. Definitions.** In this code section the following definitions apply:

**Administrative Director** means the director of the Administrative Office of the Courts, Arizona Supreme Court, or the director's designee.

**Administrative Office** means the Administrative Office of the Courts, Arizona Supreme Court.

**Code Section** means the referenced provision of the Arizona Code of Judicial Administration.

**Complainant** means a person or organization that initially files a complaint regarding the conduct of a private process server. The complainant is not a party to the proceeding.

**Days** means the same as provided by Arizona Rules of Civil Procedure, that is: the computation of days is as follows: If . . . less than 11 days, intermediate Saturdays, Sundays and legal holidays shall not be included in the computation . . . and if . . . 11 days or more, intermediate Saturdays, Sundays and legal holidays shall be included in the computation.

**Formal Charges** means a document setting forth specific acts of misconduct by a certified private process server upon a determination of probable cause.

**Formal Disciplinary Proceedings** means filing of formal charges specifying misconduct by a certified private process server. Formal disciplinary proceedings commence after a finding there is probable cause to believe a private process server has committed a violation of the administrative code, statutes or court rules pertaining to service of process that if true, would warrant a public sanction. The public sanction could include restrictions on the certificate, or suspension or revocation of the certificate.

**Government Employee Process Server** means an individual who, in the normal scope of the individual's responsibilities as a government employee, serves process for the governmental agency that employs the individual.

**Informal Disciplinary Proceedings** means resolution of a complaint prior to the filing of formal charges. An informal disciplinary proceeding may result in imposition of sanctions, but the sanction may not include restrictions on a certificate, suspension or revocation of a certificate.

**Presiding Judge** means the presiding judge of the Arizona Superior Court or the presiding judge's designee.

**Private Process Server** means a person, duly appointed or registered pursuant to the requirements in A.R.S. ' 11-445(H), this code section, and any other applicable statute or rule. As defined by A.R.S. ' 11-445(H), a private process server:

... may serve all process, writs, orders, pleadings or papers required or permitted by law to be served prior to, during, or independently of a court action, including all such as are required or permitted to be served by a sheriff or constable, except writs or orders requiring the service officer to sell, deliver or take into the officer's custody persons or property, or as may otherwise be limited by rule established by the supreme court. A private process server is an officer of the court.

**Program coordinator** means the staff appointed by the director to administer the program.

**Provisional Certification** means a temporary certificate issued by the presiding judge which expires 120 days after the presiding judge grants it.

**Revoked** means the permanent invalidation or cancellation of a private process server's certificate.

**Standard Certification** means a certificate issued by the presiding judge once an applicant meets all the requirements for certification of a private process server.

**Suspended** means the private process server's certificate is not revoked, but the certificate holder is not permitted to exercise the privileges of the certificate for a set period of time as the result of a disciplinary action.

**Valid** means a certificate issued by the presiding judge that is currently in effect and not suspended or revoked.

**B. Applicability.** This code section applies to the certification of private process servers pursuant to A.R.S. ' 11-445(H) and the Arizona Rules of Civil Procedure. This code provision applies to the application, certification and discipline of all private process servers in the State of Arizona. This code section governs private process server certification separately and without reference to ' 7-201, General Provisions, of the Arizona Code of Judicial Administration. For uniformity, consistency and ease of reading the term **certification** refers to either certification or registration.

**C. Purpose.** For eligibility to act as a private process server in Arizona, all persons shall obtain certification and comply with the requirements of A.R.S. ' 11-445(H), the Arizona Rules of Civil Procedure, administrative orders and this administrative code section adopted by the Arizona Supreme

Court to govern private process servers. Certified private process servers may serve all process, writs, orders, pleadings or papers required or permitted by law for service prior to, during, or independent of a court action, including all documents required or permitted for service by a sheriff or constable, except writs or orders requiring the service officer to sell, deliver or take into custody persons or property, or as otherwise limited by this code section. Pursuant to Arizona Rules of Civil Procedure 4(e), a certified private process server is entitled to serve in such capacity for any court of the state anywhere within the State.

#### **D. Administration.**

1. **Role and Responsibilities of the Administrative Director.** The director shall have the authority to approve or disapprove matters of administration of the Private Process Server Program that involve the expenditure of program funds. The director may vest in any other person, acting in the director's name and by delegated authority, the authority to exercise or discharge any power, duty or function, normally belonging to the director, whether ministerial or discretionary.
2. **Role and Responsibilities of the Program Coordinator.** The director shall designate a program coordinator. The program coordinator is responsible for the administration of the Private Process Server Program in compliance with the law, Arizona Rules of Court, and Arizona Supreme Court administrative orders and this code section. The program coordinator may delegate any duties and responsibilities to staff.
  - a. The program coordinator shall perform tasks of administration of the Private Process Server Program to assist in the decentralized administration of the program in each county in Arizona. The program coordinator shall provide updates to the clerk of the superior court; make recommendations regarding matters pertaining to certification, complaints and investigations; and all other matters relevant to certified private process servers.
  - b. The program coordinator shall maintain a list of certified private process servers and shall post this list on the judicial department website. The judicial department website shall include each certificate holder's name and certificate number. The program coordinator may charge for the costs of providing copies of the certification list or any other public records of the program.
3. **Role and Responsibilities of the Clerks of the Superior Court.** The clerk of the superior court in each county is responsible for distributing and accepting applications and application materials, administering and grading examinations, maintaining records, including the register of certified process servers pursuant to Rule 4(e), Arizona Rules of Civil Procedure, accepting fee payments, coordinating the receipt of application materials for the presiding judge, notifying the program coordinator of certificates issued, changes of address, renewals, complaints, investigations and final decisions regarding discipline.

- a. The clerk of the superior court in each county may assign any duties and responsibilities to staff. Annually the clerk shall file a letter with the program coordinator, naming the staff assigned responsibility for administering the Private Process Server Program along with a current address, phone number and e-mail address of each staff member.
  - b. The clerk of the superior court in each county shall report quarterly to the program coordinator all additions, deletions and revisions in the certification list. The clerk of the superior court shall maintain a current certification list of all private process servers of certificate holder status on a form approved by the director.
  - c. The clerk of the superior court in each county shall provide a quarterly report listing all complaints, investigations pending completion and informal and formal disciplinary proceedings to the program coordinator who will maintain the information for use by the presiding judges as needed.
  - d. The clerk of the superior court in each county shall notify the presiding judge if it appears a private process server has violated this code section.
4. Role and Responsibilities of the Presiding Judges of the Superior Court. The presiding judge in the county of residence of the applicant, where the applicant applies for certification, is responsible for reviewing all application materials including criminal history information. The presiding judge is also responsible for granting or denying certification to private process servers and granting or denying reexamination on a previously failed examination. The presiding judge receives complaints pursuant to subsection H of this code section, and investigates, initiates and adjudicates disciplinary proceedings. The presiding judge may vest in another person the authority to exercise or discharge any power, duty or function originally vested in the presiding judge, whether ministerial or discretionary. The designated person shall exercise these powers while acting in the presiding judge's name and by delegated authority.

**E. Initial Certification.**

1. Exemptions from Certification. The following persons are exempt from the certification requirements:
  - a. Any person specially appointed by the court pursuant to Rule 4(d), Arizona Rules of Civil Procedure;
  - b. Any party to an action or that party's attorney serving process pursuant to Rule 4(d), Arizona Rules of Civil Procedure; and
  - c. Any person serving a subpoena pursuant to Rule 45, Arizona Rules of Civil Procedure.

2. Qualification for Application. Any person if qualified pursuant to subsection E(2)(a) or (b) of this code section may apply for certification.

a. Qualification for Individual Certification. To become certified or eligible for certification an applicant shall meet the eligibility requirements and fulfill all the requirements of subsection E(2)(c)(1) through (7) of this code section and, pursuant to Rule 4(d) and Rule 4(e), Arizona Rules of Civil Procedure:

- (1) A . . . has been a bona fide resident of the State of Arizona for at least one year immediately preceding the application . . . for certification; and
- (2) A . . . shall be not less than twenty-one (21) years of age . . . .

b. Government Employee Process Servers.

- (1) An individual who serves process entirely within the scope of the individual's responsibility as a government employee shall apply for certification and demonstrate the ability to pass the examination and meet certification criteria. As provided in A.R.S. ' 11-445(H), a government employee shall submit a completed fingerprint card and pay the applicable fees pursuant to subsection E(2)(c)(4) of this code section. Government employee process servers are not subject to any fees other than the fingerprint fee.
- (2) A government employee process server may carry any employer-issued identification that accurately identifies the employee as a government employee process server in addition to the identification card issued by the clerk of the superior court pursuant to subsection E(4) of this code section.
- (3) Government employee process servers who serve process in any capacity outside the scope of employment as a government employee process server shall obtain certification pursuant to this code section and shall follow all policies that apply to private process servers when serving process outside the scope of employment as a government employee process server.

c. Procedures for Application. To apply for certification, an applicant shall:

- (1) Provide a completed application for certification on an approved form obtained from and filed with the clerk of the superior court in the county of residence of the applicant. The applicant shall sign the application and have it duly verified under oath;
- (2) Execute an affidavit stating, pursuant to Rule 4(e), Arizona Rules of Civil Procedure A . . . that the applicant will well and faithfully serve process in accordance with the law . . . and the applicant is and was a legal resident of the State of Arizona for at least one year prior to application and has continually resided in Arizona during this time period. The affidavit may include relevant language stating the applicant understands the need to be

available to testify and that providing testimony regarding the service of process is a common and inherent duty to this profession;

- (3) Pass an examination administered by the clerk of the superior court as prescribed in subsection E(3) of this code section;
- (4) Pursuant to A.R.S. '11-445(H):

... furnish a full set of fingerprints to enable a criminal background investigation to be conducted to determine the suitability of the applicant. The completed applicant fingerprint card shall be submitted with the fee prescribed in section 41-1750 to the department of public safety. The applicant shall bear the cost of obtaining the applicant's criminal history record information. The cost shall not exceed the actual cost of obtaining the applicant's criminal history record information. Applicant criminal history records checks shall be conducted pursuant to section 41-1750 and Public Law 92-544;

- (a) The applicant is responsible for providing the clerk of the superior court with a readable fingerprint card. The applicant shall pay all costs or fees attributable to any subsequent re-fingerprinting and resubmission of fingerprints due to unreadable prints. The applicant shall only use the fingerprint card issued in the application packet. A law-enforcement agency shall perform the fingerprinting;
  - (b) The clerk of the superior court shall submit completed applicant fingerprint cards and the fees to the Arizona Department of Public Safety (ADPS). Pursuant to A.R.S. '11-445(H), A... The department of public safety is authorized to exchange the submitted applicant fingerprint card information with the federal bureau of investigation for a federal criminal records check. . . ; @
  - (c) If definitive fingerprints are not obtainable, the clerk of the superior court shall require the applicant to make a written statement, under oath, that the applicant has no prior arrests, charges, indictments, or felony or misdemeanor convictions other than as disclosed on the application. If the applicant is unable to provide this statement the clerk of the superior court shall refuse to accept the application;
- (5) Upon the request of the presiding judge or designee, provide additional background information;
  - (6) Pay all fees as authorized by law to the clerk of the superior court pursuant to A.R.S. '12-284; and
  - (7) Provide two color photographs, (2" X 2"), and references as required by policy adopted by the director.

3. Examination.

- a. Initial Examination. Each applicant for certification or renewal shall personally take and pass the examination provided by the director and administered and scored by the clerk of the superior court. The clerk of the superior court shall give each applicant an initial examination.
- b. Reexamination. If the applicant fails the initial examination, the applicant may sit for one reexamination. The examination provided to the applicant for reexamination shall be a different examination than the one the applicant used for the initial examination. The applicant shall take the reexamination within 90 days of the date of filing the application. If the applicant fails the reexamination, the applicant shall wait 90 days from the date of the reexamination to submit a request for an additional reexamination pursuant to subsection E(3)(b)(1) of this code section.
  - (1) The applicant may submit a request in writing addressed to the presiding judge requesting consideration for an opportunity to reapply and sit for the examination an additional time. Proof of attendance and satisfactory completion shall accompany the written request for a course of study specific to the private process server profession. If the presiding judge approves reexamination, the entire application process begins again, including the payment of fees. The presiding judge has the discretionary authority to deny or approve a request for reexamination.
- c. The director shall provide multiple versions of the examination to the clerk of the superior court, and the clerk of the superior court may not use any other examinations. Applicants and the public may not obtain copies of the examination.
- d. The director shall establish the passing score on the examination.
- e. The clerk of the superior court shall communicate the applicant's examination score verbally or in writing to the applicant not more than ten days from the date the applicant took the examination. If the applicant passes the examination, the applicant will receive the examination score. If the applicant fails the examination, the clerk of the superior court shall provide the applicant with the examination score, an indication of the general areas of the statutes, rules, code sections and case law where the applicant missed questions, and the procedures for reexamination.
  - (1) An applicant may, on written request, review the applicant's examination papers and grades under the terms and conditions prescribed by the director.
    - (a) The applicant shall not copy materials provided for the applicant's review.
    - (b) The applicant shall conduct the review during business hours in the presence of program staff.