



SUPREME COURT OF ARIZONA

PRIVATE PROCESS SERVERS

Administrative Order No. 93- 25

Based upon the authority granted the Supreme Court in Article VI, Section 3 of the Constitution of the State of Arizona, and Arizona Revised Statutes §11-445H and in accordance with Rule 4(e) Arizona Rules of Civil Procedure (amendment effective June 1, 1993).

IT IS ORDERED THAT the attached Statewide Private Process Servers Registration Process and Guidelines for Private Process Servers are to become effective June 1, 1993.

DATED AND ENTERED this 13th day of May, 1993, at the Arizona State Courts Building in Phoenix, Arizona.

Stanley G. Feldman
Chief Justice

STATEWIDE PRIVATE PROCESS SERVERS REGISTRATION PROCESS

I. REQUESTS FOR APPLICATIONS ON OR AFTER JUNE 1, 1993

- A. A person who wishes to be registered as a private process server pursuant to Rule 4(e) of the Arizona Rules of Civil Procedure shall do the following:
 - 1. Complete and file an application form with the Clerk of Superior Court providing the information set forth in the application form and stating that the applicant has been a bona fide resident of the State of Arizona for at least one year immediately preceding the application and that the applicant will well and faithfully serve process in accordance with the law;
 - 2. Take and successfully pass a test, the purpose of which is to demonstrate basic knowledge concerning the activity of a process server;
 - 3. Submit to fingerprinting, which fingerprinting shall be used by the Superior Court in obtaining criminal history record information from the Criminal Identification Section of the Arizona Department of Public Safety;
 - 4. Pay a fee to the Clerk of the Superior Court as authorized by law.
- B. Upon receipt of the foregoing documents, information and fee, the Superior Court Presiding Judge or designee thereof in the county where the application is filed, shall consider the information and grant or deny approval of the applicant as a private process server.
- C. The Superior Court Presiding Judge or designee, may grant an applicant provisional approval and registration after completion of the application process set forth above and pending receipt of the information requested in the criminal history record check. Upon receipt of the criminal history record information, the Presiding Judge of Superior Court or designee shall grant or withhold its non-provisional approval. The provisional approval shall expire 90 days after it is granted unless this time period is extended at the discretion of the Presiding Judge of Superior Court or designee. The granting of provisional approval shall authorize the person to serve in the capacity of a private process server for any court of the State anywhere in the State.
- D. If the applicant is approved, the applicant shall be registered with the Clerk of Superior Court as a private process server until such approval is withdrawn by the Presiding Judge or designee. Such approval shall be for a period of three years from the date the approval is granted. As part of the approval process, an identification card shall be issued to the applicant.

II. APPLICATIONS IN PROCESS

Persons who have filed an application for approval or renewal, together with the required fee, in any county prior to June 1, 1993, and who are approved thereafter, shall file an application for renewal no later than May 31, 1994, to have authority to continue to serve process;

III. REGISTERED AND APPROVED

- A. All private process servers who are registered and approved in any county as of May 31, 1993, shall file an application for renewal no later than May 31, 1994, or the expiration of their current approval, whichever occurs first, to have authority to continue to serve process.
- B. All private process servers who are registered and approved in any county as of May 31, 1993, or who have filed an application for approval or renewal, together with the required fee, prior to June 1, 1993, and who are approved thereafter, shall have statewide authority to serve process, shall be governed by the terms of the Statewide Guidelines for Private Process Servers and shall be subject to all other terms and conditions of this Administrative Order.

IV. PRIVATE PROCESS SERVERS RENEWAL

If a private process server wishes to renew the approval, no earlier than 60 days prior to the expiration of the current approval, the private process server shall:

- 1. Complete and file with the Clerk of Superior Court which issued the initial approval a renewal application providing the information set forth in the renewal application form;
- 2. Pay a fee to the Clerk of the Superior Court as authorized by law;
- 3. Submit to fingerprinting, which fingerprinting shall be used by the Superior Court in obtaining criminal history record information from the Criminal Identification Section of the Arizona Department of Public Safety.

V. COMPLAINTS AND DISCIPLINARY MATTERS

Any action and/or orders regarding complaints or disciplinary matters made concerning a private process server registered pursuant to the provisions of this Order and Rule 4(e) Arizona Rules of Civil Procedure, shall take place in the County where the basis for the complaint or discipline occurred. Any action taken affecting a private process server's approval to serve process shall have the same effect statewide.

GUIDELINES FOR PRIVATE PROCESS SERVERS

I. ADMINISTRATIVE

A. Notification

1. I will notify in writing the Clerk of Superior Court in the county where I initially registered of any address, telephone number or employer changes within 15 days of the event.
2. I will notify in writing, the Clerk of Superior Court in the county where I initially registered if my registration card is lost or stolen.

B. Renewal/Fees

1. I will reapply for approval as a private process server no earlier than 60 days prior to the expiration of the current registration.
2. I understand all fees paid in connection with my efforts to receive approval as a private process server are non-refundable.

II. PROFESSIONAL RESPONSIBILITIES

A. Service/Identification

1. I understand that my obligation is to faithfully serve process in accordance with the law.
2. I understand I am not an employee of the court. My approval as a Private Process Server does not itself make me a peace officer. The only official process server identification, which I will carry, is the provisional or non-provisional identification issued by the court. I will carry it with me when serving process. In addition, I may also carry an identification card furnished by my employer and/or certification issued by the Arizona Process Servers Association.
3. I will not create, carry or display any type of identification, letterhead, business card, vehicle display or other item that would lead a reasonable person to believe I am a peace officer or other government official, unless I am in fact a certified police officer or government employee or official.

B. Government Employee Process Server

1. If I am a government employee process server, I understand I may carry any employer-issued identification, in addition to the provisional or non-provisional registration issued by the court, that accurately identifies me as a government employee process server.

2. I understand that if I serve process in any capacity outside the scope of my employment as a government employee process server, I will apply as a private process server, take any tests required, pay all fees, agree to be fingerprinted and submit to a criminal history records check. I agree to be governed under the guidelines as they relate to private process servers.

C. Practice of Law

I understand that while serving process, I will not engage in the practice of law.

III. COMMUNICATION WITH CLIENTS

- A. I will completely and thoroughly explain fees charged for services rendered to the client or will refer the client to my employer for this explanation.
- B. I will keep the client advised of problems with service on a timely basis.
- C. I will serve papers given to me by a client on a timely basis and will promptly file a proper affidavit of service and/or other papers with the court.
- D. I recognize the rights of all parties involved in a legal action and will serve process and conduct myself in a professional and responsible manner.

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I understand and agree that failure to file accurate, complete and timely affidavits, and/or failure to abide by these guidelines or court rules or state laws and municipal ordinances may result in criminal prosecution, civil liability and/or suspension or revocation of my private process servers approval.

DATED THIS _____ day of _____ 19____.

Signature

Clerk of the Superior Court

By _____