

Procedures: How to serve court papers to an incarcerated person

Requirements:

- You must serve the party:
 - By mail or national courier service with return or confirmation of service, and
 - By first class mail.
- You must get the signature confirmation of the official at the jail or prison to whom the papers are delivered.
- You must pay for the mail or national courier service fees and file the receipts with the court.

Step 1: Serve the incarcerated person:

- Address 2 large manila envelopes with the inmate's name, inmate number, jail or prison or correctional facility name and address. Write "LEGAL MAIL" on the envelope. Put one set of court papers in one envelope, and the other set of documents in the other envelope.
- Go to the post office or any other business that delivers mail. Tell the clerk that you need to send 1 envelope as first-class mail. Tell the clerk that the other envelope must be sent with signed confirmation of delivery and that you will need the signature on the confirmation receipt. Keep the cash register receipt or package label. This will be filed with the Affidavit of Service with Signature Confirmation (Affidavit).

Step 2: When you receive the signature confirmation:

- Wait for the returned copy of the jail or prison official's signature. If using signature confirmation mail, wait for the green receipt card to be returned with the other party's signature. When you get the green receipt, note the date the other party signed for the papers, and attach the card (or a photocopy of both sides of the card) to the Affidavit.
- If using a different method of delivery with signature confirmation from the Postal Service or FedEx, etc., you may go to the company's web site to confirm delivery and get a copy of the signature confirmation. Tape that copy of the signature confirmation along with the cash register receipt or other proof of mailing to the Affidavit.

Step 3: Prepare to file the Affidavit with the court.

- Complete the Affidavit.
 - Be sure you fill in the date the jail or prison official received the papers. If you fail to list a date, the court may not process your papers and your case may be delayed and possibly dismissed.
 - Under "2. Method of Delivery," you must check the box indicating

“Duplicate Service to Inmate by First Class Mail,” in addition to the other method you used for signature confirmation delivery.

- You must attach a copy of the jail or prison official’s signature confirming receipt of the court documents to the Affidavit. If using Signature confirmation mail, copy both sides of the green return receipt card and attach either the original or the photocopy to prove how and when you served the incarcerated party.
- Make a copy of the entire Affidavit for your records. Be sure to include a copy of the return receipt card or other document with the other party’s signature acknowledging they received the court documents.

Step 4: File the original Affidavit and the attached receipts with the Clerk of Superior Court at any of these Superior Court locations:

Central Court Building
201 West Jefferson, 1st floor
Phoenix, Arizona 85003

Southeast Court Complex
222 East Javelina Avenue, 1st floor
Mesa, Arizona 85210

Northwest Court Complex
14264 West Tierra Buena Lane
Surprise, Arizona 85374

Northeast Court Complex
18380 North 40th Street
Phoenix, Arizona 85032

Step 5: Timeline for filing a Response:

- Time starts on the day that you file the Affidavit of Service with Signature Confirmation form.
- If the other party was served in Arizona, then they have 20 days to file a Response.
- If the other party was served in another state, then they have 30 days to file a Response.

In counting the days, include weekends and holidays. The last day you count must be a day when the Court is open for business. If the last day for the other party to respond falls on a Saturday, Sunday, or legal holiday, you do not count that day.

Next: See the Law Library Resource Center website for next steps. Different procedures apply depending on whether the other party files a Response.

Do not bring children to court.